

OFFICIAL JOURNAL
OF THE
HOUSE OF
REPRESENTATIVES
OF THE
STATE OF LOUISIANA

FORTIETH DAY'S PROCEEDINGS

Twenty-ninth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974

House of Representatives
State Capitol
Baton Rouge, Louisiana

Wednesday, June 11, 2003

The House of Representatives was called to order at 2:00 P.M., by the Honorable Charlie DeWitt, Speaker of the House of Representatives.

Morning Hour

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Peychaud
Alexander	Glover	Pierre
Ansardi	Green	Pinac
Arnold	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Quezaire
Baylor	Hebert	Richmond
Beard	Hill	Romero
Bowler	Honey	Salter
Broome	Hopkins	Scalise
Bruce	Hudson	Schneider
Bruneau	Hunter	Schwegmann
Capella	Hutter	Shaw
Carter, K	Iles	Smith, G.—56th
Carter, R	Jackson, L	Smith, J.D.—50th
Cazayoux	Jackson, M	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Crowe	Katz	Sneed
Curtis	Kennard	Stelly
Damico	Kenney	Strain
Daniel	LaFleur	Swilling
Dartez	Lancaster	Thompson
Devillier	Landrieu	Toomy
Diez	LeBlanc	Townsend
Downer	Lucas	Triche
Downs	Martiny	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker

Fannin	Montgomery	Walsworth
Farrar	Morrell	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Fruge	Odinet	
Total—104		

ABSENT

Doerge
Total—1

The Speaker announced that there were 104 members present and a quorum.

Prayer

Prayer was offered by Rev. Dennis Terry.

Pledge of Allegiance

Rep. Morrell led the House in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Rep. Frith, the reading of the Journal was dispensed with.

On motion of Rep. Frith, the Journal of June 10, 2003, was adopted.

Suspension of the Rules

On motion of Rep. Landrieu, the rules were suspended in order to allow the Committee on Insurance to meet while the House was in session.

**Petitions, Memorials and
Communications**

The following petitions, memorials, and communications were received and read:

Message from the Senate

**APPOINTMENT OF
CONFERENCE COMMITTEE**

June 10, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to Senate Bill No. 388: Senators Schedler, Mount, and B. Jones.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

**APPOINTMENT OF
CONFERENCE COMMITTEE**

June 10, 2003

To the Honorable Speaker and Members of the House of Representatives:

Page 2 HOUSE

40th Day's Proceedings - June 11, 2003

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to Senate Bill No. 567: Senators Lentini, Tarver, and Heitmeier.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

June 10, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 1342: Senators Theunissen, Mount, and Hoyt.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

APPOINTMENT OF CONFERENCE COMMITTEE

June 10, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has appointed the following committee to serve with a like committee from the House to confer on the disagreement to House Bill No. 1776: Senators Hollis, Cravins, and Hainkel.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

HOUSE CONCURRENT RESOLUTIONS

June 10, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has concurred in the following House Concurrent Resolutions:

House Concurrent Resolution No. 230
Returned without amendments.

House Concurrent Resolution No. 231
Returned without amendments.

House Concurrent Resolution No. 232
Returned without amendments.

House Concurrent Resolution No. 234
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

HOUSE BILLS

June 10, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 432
Returned without amendments.

House Bill No. 451
Returned without amendments.

House Bill No. 493
Returned without amendments.

House Bill No. 549
Returned with amendments.

House Bill No. 557
Returned with amendments.

House Bill No. 582
Returned without amendments.

House Bill No. 632
Returned without amendments.

House Bill No. 769
Returned without amendments.

House Bill No. 770
Returned without amendments.

House Bill No. 786
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

ASKING CONCURRENCE IN SENATE CONCURRENT RESOLUTIONS

June 10, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has adopted and asks your concurrence in the following Senate Concurrent Resolutions:

Senate Concurrent Resolution No. 135

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Johns, the rules were suspended in order to take up and consider Senate Concurrent Resolutions at this time.

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions contained in the message were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 135—

BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To recognize and commend the Sulphur High School Chorus for achieving the title of grand champions of the National Concert Chorus Cup in Branson, Missouri.

Read by title.

On motion of Rep. Johns, and under a suspension of the rules, the resolution was concurred in.

Message from the Senate

SENATE BILLS

June 11, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following Senate Bills:

Senate Bill No. 1064

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Suspension of the Rules

On motion of Rep. Cazayoux, the rules were suspended in order to take up the bills contained in the message at this time.

Senate Bills and Joint Resolutions on First Reading

The following Senate Bills and Joint Resolutions on first reading were taken up, read, and placed upon the calendar for their second reading:

SENATE BILL NO. 1064—

BY SENATOR MARIONNEAUX

AN ACT

To enact R.S. 13:2488.62(E), relative to the City Court of Plaquemine; to authorize the court to assess a fee to be used for substance abuse treatment; and to provide for related matters.

Read by title.

Introduction of Resolutions, House and House Concurrent

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 236—

BY REPRESENTATIVES BROOME AND PEYCHAUD

A CONCURRENT RESOLUTION

To create the Predatory Lending Task Force to address the issues and concerns relative to protecting Louisiana citizens from predatory lending practices.

Read by title.

On motion of Rep. Broome, and under a suspension of the rules, the above resolution was referred to the Committee on Commerce, under the rules.

Senate Concurrent Resolutions

The following Senate Concurrent Resolutions lying over were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 100—

BY SENATOR HAINKEL AND REPRESENTATIVE ALARIO

A CONCURRENT RESOLUTION

To create the Task Force on Regional and Local Economic Development to review industry attraction, expansion, and retention initiatives at the local and regional levels and to determine appropriate funding levels and revenue sources.

Read by title.

Under the rules, the above resolution was referred to the Committee on Commerce.

SENATE CONCURRENT RESOLUTION NO. 110—

BY SENATOR IRONS

A CONCURRENT RESOLUTION

To establish a special committee to study, discuss, and make the plans necessary for being able to use state owned or sponsored facilities for instructional purposes for the students of the Orleans Parish School System.

Read by title.

Under the rules, the above resolution was referred to the Committee on Education.

SENATE CONCURRENT RESOLUTION NO. 112—

BY SENATOR C. JONES

A CONCURRENT RESOLUTION

To create and provide with respect to a Workers' Compensation Advisory Council to study the workers' compensation laws of the state and make recommendations regarding proposed legislation before the next regular session of the legislature.

Read by title.

Under the rules, the above resolution was referred to the Committee on Labor and Industrial Relations.

SENATE CONCURRENT RESOLUTION NO. 129—
BY SENATOR HINES

A CONCURRENT RESOLUTION

To establish the Physician Assistants Practice Committee to study and make recommendations regarding physician assistants and their scope of practice.

Read by title.

Under the rules, the above resolution was referred to the Committee on Health and Welfare.

**Senate Bills and Joint Resolutions on
Second Reading to be Referred**

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

SENATE BILL NO. 213—
BY SENATOR DARDENNE

A JOINT RESOLUTION

Proposing to add Article VII, Section 10.11 of the Constitution of Louisiana, relative to state funds; to create the Louisiana Coastal Restoration Fund in the state treasury; to provide for deposit of monies into the fund; to provide for investment and uses of monies in the fund; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Read by title.

Under the rules, the above bill was referred to the Committee on Appropriations.

SENATE BILL NO. 504—
BY SENATOR DARDENNE

AN ACT

To enact Part II-A of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:214.51, relative to funds for coastal restoration; to create the Louisiana Coastal Restoration Fund; to provide for sources of funding and for authorized uses; and to provide for related matters.

Read by title.

Under the rules, the above bill was referred to the Committee on Appropriations.

**House and House Concurrent Resolutions
Reported by Committee**

The following House and House Concurrent Resolutions reported by committee were taken up and acted upon as follows:

HOUSE RESOLUTION NO. 114—
BY REPRESENTATIVE GARY SMITH

A RESOLUTION

To direct the Department of Transportation and Development to erect signs along interstates informing slower moving traffic to move from the passing lane.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the resolution was ordered engrossed and passed to its third reading.

HOUSE RESOLUTION NO. 117—
BY REPRESENTATIVES SWILLING AND RICHMOND

A RESOLUTION

To direct the Department of Transportation and Development to delay the removal of the Six Flags New Orleans sign at the entrance of the amusement park until July 1, 2004.

Read by title.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Transportation, Highways and Public Works to Original House Bill No. 117 by Representative Swilling

AMENDMENT NO. 1

On page 1, line 4, after "park" and before the period "." delete "for one year" and insert "until July 1, 2004"

AMENDMENT NO. 2

On page 1, at the end of line 12, change "Representative" to "Representatives"

AMENDMENT NO. 3

On page 1, line 15, after "park" and before the period "." delete "for one year" and insert "until July 1, 2004"

On motion of Rep. Diez, the amendments were adopted.

On motion of Rep. Diez, the resolution, as amended, was ordered engrossed and passed to its third reading.

HOUSE CONCURRENT RESOLUTION NO. 226—
BY REPRESENTATIVE DEWITT

A CONCURRENT RESOLUTION

To create a task force to study the practicality and feasibility of constructing a bypass around the cities of Alexandria and Pineville to be known as the Alexandria-Pineville Loop.

Read by title.

Reported favorably by the Committee on Transportation, Highways and Public Works.

On motion of Rep. Diez, the resolution was ordered engrossed and passed to its third reading.

**House Bills and Joint Resolutions on
Second Reading Reported by Committee**

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

HOUSE BILL NO. 461—
BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:753, 771(22)(a)(i), 772(A)(1) and (F)(8), 774(I), and 775(A)(7)(c) and (d) and to enact R.S. 32:774(K), relative to the Louisiana Used Motor Vehicle and Parts Commission; to provide for licensing requirements and educational hours; to provide for definitions; to provide for the membership of the commission and the change of its name; to provide for the powers and duties of the commission; to provide for insurance requirements; to provide relative to grounds for denial, suspension, or revocation of licenses; and to provide for related matters.

Read by title.

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 461 by Representative Diez

AMENDMENT NO. 1

On page 3, at the end of line 14, delete "Recreational Vehicle" and insert "Parts"

AMENDMENT NO. 2

On page 3, line 17, after "and" and before "Commission" delete "Recreational Vehicle" and insert "Parts"

AMENDMENT NO. 3

On page 3, line 18, after "of" and before "members", delete "twelve" and insert "thirteen"

AMENDMENT NO. 4

On page 3, line 22, after "recycler," and before "members" delete "two" and insert "three"

On motion of Rep. Pinac, the amendments were adopted.

On motion of Rep. Pinac, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1131—
BY REPRESENTATIVE JACK SMITH AND SENATOR ROMERO
AN ACT

To amend and reenact R.S. 33:2218.2(F)(1), relative to supplemental compensation for tribal officers of the Chitimacha Tribe of Louisiana; to increase the number of officers eligible for supplemental pay; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Appropriations.

On motion of Rep. LeBlanc, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1286—
BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 39:1482(A)(1), relative to state contracts for professional, personal, consulting, and social services; to exempt certain consulting service contracts relating to acquisition of rights-of-way from certain requirements related to consulting contract procurements; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Appropriations.

On motion of Rep. LeBlanc, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1483—
BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 11:102(B)(3)(introductory paragraph) and to enact R.S. 11:102(B)(3)(e), Part III of Chapter 4 of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:350 through 359, and Chapter 22 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:2201 through 2209, relative to the issuance of bonds; to authorize the issuance of pension obligation bonds to provide for the funding of all or part of the unfunded accrued liability of state retirement systems; to authorize cooperative endeavor agreements among entities; to provide for the security for and payment of such bonds; to provide for deposit of state funds; to provide for the use of proceeds of such bonds by the retirement systems; to authorize the creation of necessary dedicated funds and accounts; to provide for the payment of employer contributions; to provide with respect to benefits; to authorize a benefits trust fund as an alternative fund for the payment of benefits; to authorize the establishment of benefit trust funds from bond proceeds; to provide for investment of proceeds deposited to the credit of the benefit payment fund; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 1483 by Representative Daniel

AMENDMENT NO. 1

On page 1, line 3, after "R.S. 11:102(B)(3)(e)" and before "and" insert a comma ",", and "Part III of Chapter 4 of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:350 through 359,"

AMENDMENT NO. 2

On page 1, line 13, after "contributions;" and before "to" insert the following:

"to provide with respect to benefits; to authorize a benefits trust fund as an alternative fund for the payment of benefits; to authorize the establishment of benefit trust funds from bond proceeds; to provide for

Page 6 HOUSE

40th Day's Proceedings - June 11, 2003

investment of proceeds deposited to the credit of the benefit payment fund;"

AMENDMENT NO. 3

On page 2, line 3, after "R.S. 11:102(B)(3)(e)" and before "hereby" delete "is" and insert "and Part III of Chapter 4 of Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 11:350 through 359, are"

AMENDMENT NO. 4

On page 4, between lines 11 and 12, insert the following:

"PART III. ALTERNATIVE FUNDING

§350. Legislative findings

The legislature hereby finds that from time to time the investment portfolios of the municipal and other statewide retirement systems for public employees have suffered and may continue to suffer substantial losses due to unexpected market forces not in the control of such systems, which losses have and may continue to result in dramatic increases in employer contribution rates which are not affordable by employers. This Part is enacted to provide an alternate means of funding the payment of benefits by a municipal employee retirement system as defined herein.

§351. Definitions

For the purposes of this Part, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Benefit year" means any twelve-month period beginning the first day of the month immediately succeeding the month in which the proceeds of bonds are deposited to a benefit trust fund.

(2) "Bonds" means bonds, notes, certificates of indebtedness, or any other evidence of indebtedness or annual obligation, which are exempt from federal income taxation.

(3) "Debt service" means the principal of, interest on, and any other requirements of the bonds.

(4) "Employer" means any municipality or political subdivision employing members of a municipal or statewide public employee retirement system as defined herein.

(5) "Financing agreement" means any agreement between an issuer and either or all of any employers in a system or other parties necessary or convenient to provide for the security of any bonds.

(6) "Issuer" means any political subdivision authorized by law to issue bonds.

(7) "Original fund" means all funds and accounts of any system exclusive of any benefit trust fund created pursuant to this Part.

(8) "System" means any municipal or statewide public employee retirement system providing retirement benefits for firemen or police.

§352. Benefits trust fund

Notwithstanding any other provision of law to the contrary, any system shall have the authority to elect to use the provisions of this Part to establish a separate internal fund to be managed independently of its original fund as a special trust fund dedicated solely for the payment of benefits owed by the system for one or more benefit years of such system pursuant to the provisions of this Part.

§353. Financing agreement

Any benefits trust fund established in accordance with R.S. 11:352 shall be established pursuant to a financing agreement between the system and an issuer providing for the issuance of bonds to provide funds for deposit to the benefits trust fund sufficient to pay all benefits owed for one or more benefits years. Upon establishment and funding of a benefit trust fund sufficient to pay in full the benefits owed by the system for a benefit year or years, such system shall not pay benefits from its original fund for such benefit year or years. In no event shall establishment and funding of a benefit trust fund alleviate the requirement for current payment to the original fund of all employer and employee contributions otherwise due and payable before or during the term of issuance as provided in R.S. 11:354.

§354. Calculation of employer contribution

Upon funding of a benefit trust fund for any system, the system shall direct its actuary to recalculate the employer contribution rate necessary for the benefit year or years funded by the benefit trust fund and provide such recalculation to the Public Retirement System Actuarial Committee. The Public Retirement System Actuarial Committee is hereby directed to receive such calculation and meet to approve the recalculated employer contribution rate using such figures as soon as practicable after receipt.

§355. Custody of benefit trust fund; investment; expenditures

Any benefit trust fund established pursuant to this Chapter shall be held in trust by the system and disbursed solely to pay benefits due by the system in accordance with the terms of the issuance of any bonds. The state treasurer shall direct the investment of all funds on deposit in the benefit trust fund. All investment earnings of the benefit trust fund shall be transferred to the original fund at the end of each benefit year and shall be projected for purposes of calculating the employer contribution rate as provided in R.S. 11:354.

§356. Bonds

A. At the request of a system, an issuer may issue bonds to fund a benefit trust fund for such system in addition to other statutes or laws governing the issuance of bonds. The amount of the bonds shall be limited to projected benefits as determined by the system's actuary for a period not to exceed five years. Such bonds may be issued only if interest payable on such bonds is excludable from federal income tax and shall be issued pursuant to resolution of the issuer which resolution shall prescribe the form and details thereof, including the terms, security for, manner of execution, and redemption features. The resolution also may provide that an officer of the issuer may execute in connection with such obligation any related contract, including but not limited to the financing agreement, credit enhancement, indenture of trust, loan agreement, pledge agreement, or other agreement or contract necessary to accomplish the purposes for which the bonds are issued.

B. State laws governing fully registered securities of public entities and the issuer's law shall be applicable to the bonds, notes, or other evidence of indebtedness pursuant to this Section, including state bond commission approval and other matters necessary or convenient to the issuance of the bonds. General provisions of law or regulation applicable to any issuer shall apply. This Section shall be deemed additional and supplemental authority to other authorizing statutes or laws for any issuer.

§357. Security for bonds

Bonds issued to fund a benefit trust fund shall be secured as to payment of principal of and interest and other requirements by a pledge by either or both of the system electing to use this Part or the employers paying employer contributions to such system, or any combination of

the two pursuant to the financing agreement. Any system is authorized to pledge any available funds, including all or any portion of its original fund to make such debt service payment, any law to the contrary notwithstanding and such pledge shall be deemed to be an administrative expense of the system. Employers are authorized to pledge funds pursuant to applicable laws.

§358. Nature of the Part

This Part shall be an alternative benefit payment method and shall not be deemed to be mandatory for any system. In the event a system elects to use the provisions of this Part, all existing laws relative to any system not inconsistent herewith remain in full force and effect; provided, however, that during the terms of the issuance of bonds issued pursuant to this Subpart, there shall be no increase in benefit due or in the manner or method of calculating said benefits payable to active members of the system unless the legislative actuary finds in writing that such increase is fully funded. This Part shall not supersede any law relative to any system not electing to use this Part.

§359. Liberal construction

This Part shall be construed liberally to effectuate the purposes thereof, and as complete and independent authorization for each action and purpose set forth herein."

AMENDMENT NO. 5

On page 6, line 4, after "the" delete the remainder of the line and delete lines 5 through 9 in their entirety and insert "State Bond Commission."

AMENDMENT NO. 6

On page 10, at the end of line 24, insert "At any time at which the bonds or refunding bonds are determined to be net state tax supported debt, the authority for issuance granted by this Section shall be revoked."

AMENDMENT NO. 7

On page 15, line 24, after "House Retirement Committee." and before "and" insert "the House Ways and Means Committee, the Senate Committee on Revenue and Fiscal Affairs."

AMENDMENT NO. 8

On page 16, delete lines 8 through 17 in their entirety

AMENDMENT NO. 9

On page 16, line 18, change "2209" to "2208"

AMENDMENT NO. 10

On page 17, line 1, change "2210" to "2209"

On motion of Rep. Hammett, the amendments were adopted.

On motion of Rep. Hammett, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1760—

BY REPRESENTATIVES LANDRIEU AND MONTGOMERY AND SENATOR B. JONES

AN ACT

To repeal R.S. 49:112, to repeal the ten-year prescriptive period for claims against the state.

Read by title.

Reported with amendments by the Committee on Ways and Means.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 1760 by Representative Landrieu, et al.

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line, delete lines 3 through 9 in their entirety, and insert the following:

"repeal R.S. 49:112, to repeal the ten-year prescriptive period for claims against the state."

AMENDMENT NO. 2

On page 1, line 11, after "Section 1." delete the remainder of the line, delete lines 12 through 18 in their entirety, and insert "R.S. 49:112 is hereby repealed in its entirety."

AMENDMENT NO. 3

Delete pages 2 through 12 in their entirety, and on page 13, delete lines 1 through 20 in their entirety

On motion of Rep. Hammett, the amendments were adopted.

On motion of Rep. Hammett, the bill, as amended, was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1918—

BY REPRESENTATIVE DOWNS

AN ACT

To amend and reenact R.S. 40:1849(D)(5), relative to the Liquefied Petroleum Gas Commission Rainy Day Fund; to provide for use of certain monies in the fund; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Appropriations.

On motion of Rep. LeBlanc, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

**Senate Instruments on Second Reading
Returned from the Legislative Bureau**

The following Senate Instruments on second reading, returned from the Legislative Bureau, were taken up and acted upon as follows:

SENATE BILL NO. 290—

BY SENATOR SMITH (BY REQUEST)

AN ACT

To amend and reenact R.S. 9:335(A)(2)(b), relative to joint custody; to provide a guideline for minimum visitation days, when in the best interest of the child; and to provide for related matters.

Read by title.

Page 8 HOUSE

40th Day's Proceedings - June 11, 2003

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Engrossed Senate Bill No. 290 by Senator Smith

AMENDMENT NO. 1

On page 1, at the end of line 12, delete the comma ","

AMENDMENT NO. 2

On page 1, at the beginning of line 13, delete "under a joint custody order."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 354—

BY SENATORS MCPHERSON AND CAIN

AN ACT

To enact R.S. 9:2795.1(A)(6)(d) and 2795.3, relative to limitations on liability; to provide for definitions; to provide for immunity from liability for an equine activity sponsor, an equine professional, or other person for injuries or death; to provide for exceptions; to require warning signs; to provide for failure to comply with the warning requirement; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 354 by Senator McPherson

AMENDMENT NO. 1

On page 1, at the beginning of line 2, after "To" and before "enact" insert "amend and reenact R.S. 9:2795.1(A)(2) and (4) and to"

AMENDMENT NO. 2

On page 1, line 9, after "Section 1." and before "R.S. 9:2795.1(A)(6)(d)" insert "R.S. 9:2795.1(A)(2) and (4) are hereby amended and reenacted and"

AMENDMENT NO. 3

On page 1, after line 15, insert the following:

"(2) "Farm animal" means one or more of the following ~~domesticated~~ animals: horse, pony, mule, donkey, hinny, cow, bull, ox or other bovine, sheep, pig, hog, goat, ratite (ostrich, rhea, emu), and chicken or other fowl.

* * *

(4) "Farm animal activity sponsor" means an individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for a farm animal activity, including but not limited to: a pony club; 4-H club; Courir de Mardi Gras association; hunt club; riding club; school and college-sponsored class, program, and activity; therapeutic riding program; bull riding activity; and any operator, instructor, and promoter of a farm animal facility.

* * *

Reported without amendments by the Legislative Bureau.

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 684—

BY SENATOR ULLO

AN ACT

To enact R.S. 28:53.2(F), relative to civil immunity; to exempt a coroner, his support staff and law enforcement officers from civil liability for forceful entry to secure protective custody; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 684 by Senator Ullo

AMENDMENT NO. 1

On page 1, line 13, after "coroner" and before "his" change the comma "," to "or" and after "staff" insert a comma "," and before "law" delete "or" and insert "accompanied by a"

AMENDMENT NO. 2

On page 2, at the end of line 2, before the period "." insert the following:

"after a mental health professional has intervened and attempted to counsel the person regarding his voluntary surrender"

AMENDMENT NO. 3

On page 2, line 3, after "coroner" and before "his" change the comma "," to "or" and after "staff" insert a comma "," and before "law" delete "or" and insert "accompanied by a"

AMENDMENT NO. 4

On page 2, line 10, after "for the" and before "wrongful" insert "serious bodily injury or"

AMENDMENT NO. 5

On page 2, at the end of line 11, after "restraint" and before "transportation" change "and" to "or"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 685—
BY SENATOR ULLO

AN ACT

To enact R.S. 33:1563(L), relative to civil immunity; to provide for civil immunity for coroner and supporting staff while in the performance of their duties; to require persons or entities alleging improper conduct to show by clear and convincing evidence and proof of conduct which is without rational basis; to provide standards for civil action; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 685 by Senator Ullo

AMENDMENT NO. 1

On page 1, delete lines 4 through 6 in their entirety and insert the following:

"their duties; to provide for exceptions; to provide for legislative intent; and to"

AMENDMENT NO. 2

On page 1, delete lines 13 through 15 in their entirety and delete pages 2 and 3 in their entirety and insert the following:

"L.(1) Liability shall not be imposed on an elected coroner or his support staff based upon the exercise or performance or the failure to exercise or perform their policymaking or discretionary acts when such acts are within the course and scope of their lawful powers and duties.

(2) The provisions of Paragraph B of this Subsection are not applicable to any of the following:

(a) To acts or omissions which are not reasonably related to the legitimate governmental objective for which the policymaking or discretionary power exists; or

(b) To acts or omissions which constitute criminal, fraudulent, malicious, intentional, willful, outrageous, reckless, or flagrant misconduct.

(3) The legislature finds and states that the purpose of this Section is not to reestablish any immunity based on the status of sovereignty but rather to clarify the substantive content and parameters of application of such legislatively created codal articles and laws and also to assist in the implementation of Article II of the Constitution of Louisiana.

Section 2. The immunity from liability provided by this Act shall apply only to liability for those acts occurring on or after August 15, 2003."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 705—
BY SENATOR SCHEDLER

AN ACT

To enact Code of Civil Procedure Art. 1422.1, relative to discovery; to provide that certain records maintained by the Louisiana Bureau of Criminal Identification and Information are privileged and not subject to discovery in civil proceedings; to provide for the definition of "records"; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Engrossed Senate Bill No. 705 by Senator Schedler

AMENDMENT NO. 1

On page 1, at the beginning of line 13, before "records" delete "The" and insert "In civil proceedings, the"

AMENDMENT NO. 2

On page 1, line 15, delete "in civil proceedings"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 797—

BY SENATORS BAJOE, BARHAM, DEAN, ELLINGTON, FIELDS, MICHOT, ROMERO, SCHEDLER AND SMITH

AN ACT

To enact Children's Code Art. 603.1, relative to abuse of children; to provide for mandatory reporters; to provide for certain educational requirements for teacher certification; and to provide for related matters.

Read by title.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Salter, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 929—
BY SENATOR HAINKEL

AN ACT

To enact Part XV of Chapter 1 of Code Title XXI of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:4780 through 4785, relative to boats and boating; to

provide with respect to the "Marina and Boatyard Storage Act"; to provide definitions; to provide with respect to the creation of a privilege on movable property stored in marinas and boatyards for the payment of rent due and other charges; to provide for exclusions; to provide with respect to notice of privilege; to provide for the enforcement of the privilege by sale or other disposition; to provide for an effective date; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Engrossed Senate Bill No. 929 by Senator Hainkel

AMENDMENT NO. 1

On page 4, line 5, change "Paragraph (2) of" to "Paragraph (A)(2) of this Section" and at the beginning of line 6, delete "Subsection (A)"

AMENDMENT NO. 2

On page 4, at the end of line 16, change "Uniform Commercial Code" to "Commercial Laws, R.S. 10:1-101 through 9-710"

AMENDMENT NO. 3

On page 6, at the beginning of line 3, change "Subparagraph (c) of Paragraph (1)" to "Subparagraph (1)(c) of this Subsection"

AMENDMENT NO. 4

On page 6, line 25, after "Subsection (B)" and before "access" insert "of this Section"

Reported without amendments by the Legislative Bureau.

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 947—

BY SENATOR SMITH

AN ACT

To enact R.S. 9:275.5, relative to covenant marriage; to provide for limitation of liability for a pastoral counselor; to provide for an exception; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Johns, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 949—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact Civil Code Arts. 573 and 1514, to enact R.S. 9:1202, and to repeal Code of Civil Procedure Art. 3154.1, relative to security for a surviving spouse; to provide for forms of security for legal usufruct of a surviving spouse; to provide for dispensation of security of a surviving spouse; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 949 by Senator Schedler

AMENDMENT NO. 1

On page 2, between lines 23 and 24 insert the following:

"Section 4. The provisions of this Act are interpretive, procedural and remedial."

AMENDMENT NO. 2

On page 2, line 24, after "Section" change "4." to "5."

Reported without amendments by the Legislative Bureau.

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 969—

BY SENATOR BOISSIERE

AN ACT

To repeal Section 3 of Act 734 of the 1999 Regular Session, relative to written motions; to provide with respect to special motion to strike; to remove certain reporting duties of the Judicial Council relative thereto; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Civil Law and Procedure.

Reported without amendments by the Legislative Bureau.

On motion of Rep. Johns, the bill was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

SENATE BILL NO. 1052—

BY SENATOR HINES

AN ACT

To enact R.S. 9:2713.1 and to amend and reenact R.S. 40:32(1), R.S. 40:34(B)(1)(a)(viii), (h)(v), (i) and (j), relative to gestational surrogacy contracts; to provide for the definition of gestational surrogacy contracts; to provide for the conditions for the enforceability of gestational surrogacy contracts; to provide for a

definition of genetic parents; to provide for information to be included on vital records forms; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Civil Law and Procedure.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Engrossed Senate Bill No. 1052 by Senator Hines

AMENDMENT NO. 1

On page 1, delete lines 13 through 15 and insert the following:

"A.(1) A prospective gestational surrogate, her husband if she is married, and the prospective genetic parents, who are married, may enter into an enforceable written contract in authentic form, known as a "Gestational Surrogacy Contract", providing among other things that:

(a) the prospective gestational surrogate agrees to pregnancy by means of assisted reproduction, with the egg of the prospective genetic mother, fertilized by the sperm of the prospective genetic father, and to give birth to the resulting child;

(b) the prospective gestational surrogate, her husband if she is married, do and shall, in any amendatory acts and proceedings, relinquish all rights and duties as the parents of a child conceived through the assisted reproduction; and

(c) the prospective genetic parents shall be recognized as the legal parents of the child.

(2) A gestational surrogacy contract is enforceable only if recognized and validated, by the court as provided by this Section.

(a) A gestational surrogacy contract may not impinge upon safeguarding the health of the gestational surrogate or that of the embryo or fetus.

(b) A gestational surrogacy contract may provide for reasonable payment to the gestational surrogate.

B.(1) The prospective genetic parents and the prospective gestational surrogate may file a petition in the judicial district court where the prospective genetic parents or the prospective gestational surrogate reside, anytime prior to the birth of the child, seeking to have the court recognize and validate a gestational surrogacy contract.

(2) A proceeding to validate a gestational surrogacy contract shall only be maintained if:

(a) the prospective gestational surrogate and the prospective genetic parents have been residents of this State for at least one hundred and eighty days;

(b) the prospective surrogate's husband, if she is married, is joined in the proceeding; and

(c) a copy of the executed gestational surrogacy contract in authentic form is attached to the petition, along with a notarized certificate from the physician of the prospective genetic mother attesting to physical impossibility or substantial physical impairment, precluding the prospective genetic mother from conceiving and bearing a child.

C.(1) After a joint petition to recognize and validate a gestational surrogacy contract has been filed, along with the necessary attachments in proper form, a court shall summarily set this matter for hearing, and after the hearing may issue an order, known as the "Pre-Birth Order," recognizing and validating the gestational surrogacy contract, declaring that the prospective genetic parents shall be recognized as the legal parents of a child born to the prospective gestational surrogate during the term of the contract.

(2) The court shall issue a "Pre-Birth Order" only upon finding:

(a) that the residence requirements of this Section have been satisfied;

(b) unless waived by the court, the Department of Social Services has made a home study of, and has been reimbursed therefore by, the prospective genetic parents and the prospective genetic parents meet the standards of suitability applicable to adoptive parents,

(c) that the prospective gestational surrogate, and her husband if she is married, have the requisite capacity to contract,

(d) that the contract is free of the vices of error, fraud, or duress, and in particular that all parties have voluntarily entered into the contract and understand its terms,

(e) that the prospective gestational surrogate, and her husband, if she is married, were represented by counsel in these proceedings, and

(f) that adequate provisions have been made for all reasonable health-care and legal expenses associated with the gestational surrogacy contract until the birth of the child, including responsibility for those expenses if the contract is terminated.

(g) the payment to the gestational surrogate is reasonable and shall include, but is not limited to:

(i) Reasonable medical expenses, including hospital, testing, nursing, pharmaceutical, travel, or other similar expenses, incurred by the gestational surrogate for prenatal care and those medical and hospital expenses incurred incident to the birth;

(ii) Reasonable expenses incurred for mental health counseling services provided to the gestational surrogate prior to the birth and up to six months after birth;

(iii) Reasonable living expenses incurred by the gestational surrogate for a reasonable time before the birth of the child and for no more than forty-five days after the birth; and

(iv) Reasonable travel costs, court costs, and attorney fees incurred by the gestational surrogate.

D. The court records of these proceedings and identities of the parties to a gestational surrogacy contract, under this Section, shall be sealed and are subject to disclosure, release or inspection only upon application to the court and in conformity with the applicable requirements of confidentiality applicable to adoptions in the Children's Code.

E. Subject to the jurisdictional requirements of Uniform Child Custody Jurisdiction and Enforcement Act, the court, having jurisdiction over the proceeding to recognize and validate a gestational surrogacy contract pursuant to this Section, shall have exclusive, continuing jurisdiction of all matters arising out of the gestational surrogacy contract until a child born to the gestational surrogate, during the period governed by the contract, attains the age of one hundred and eighty days.

F.(1) After issuance of a "Pre-Birth Order," but before the prospective gestational surrogate becomes pregnant by means of assisted reproduction, the prospective gestational surrogate, her husband, or either of the prospective genetic parents may terminate the gestational surrogacy contract by giving written notice of termination to all other parties.

(2) The court, for good cause shown, may terminate the gestational surrogacy contract.

(3) An individual who terminates a gestational surrogacy contract shall file notice of the termination with the court. On receipt of the notice, the court shall vacate the "Pre-Birth Order."

(4) Neither a prospective gestational surrogate nor her husband, if any, is liable to the prospective genetic parents for terminating a gestational surrogacy contract pursuant to this Subsection.

G.(1) Upon birth of a child to a gestational surrogate, the genetic parents shall file notice with the court that a child has been born to the gestational mother within three hundred days after assisted reproduction. Thereupon, the court shall issue a "Post-Birth Order":

(a) confirming that the genetic parents are the legal parents of the child;

(b) if necessary, ordering that the child be surrendered to the genetic parents; and

(c) directing that the genetic parents shall be listed on the birth certificate of the child pursuant to R.S. 40:32 et seq.

(2) If the parentage of a child born to a gestational surrogate is alleged not to be the result of assisted reproduction, the court shall order genetic testing to determine the parentage of the child.

(3) If the genetic parents fail to file notice required under Subsection A, the gestational surrogate or the Department of Social Services may file notice with the court that a child has been born to the gestational surrogate within three hundred days after assisted reproduction. Upon proof of a court order issued pursuant to Subsection A of this Section, validating the gestational surrogacy contract, the court shall order that the genetic parents are the legal parents of the child and are financially responsible for the child.

H. After the issuance of a "Pre-Birth Order," subsequent marriage of the gestational surrogate does not affect the validity of a gestational surrogacy contract, her husband's consent to the contract is not required, and her husband is not a presumed father of the resulting child, notwithstanding any other presumptions to the contrary.

I.(1) A gestational surrogacy contract that is not judicially recognized and validated, is not enforceable.

(2) If a birth results under a gestational surrogacy contract that is not judicially validated as provided in this Section, the filiation of the child shall be determined by the provisions of Title VII, Of Parent and Child of the Louisiana Civil Code.

(3) Individuals who are parties to a nonvalidated gestational surrogacy contract as genetic parents may be held liable for support of the resulting child, even if the contract is otherwise unenforceable."

AMENDMENT NO. 2

On page 2, delete lines 1 through 17 in their entirety

Reported without amendments by the Legislative Bureau.

On motion of Rep. Johns, the amendments were adopted.

On motion of Rep. Johns, the bill, as amended, was ordered passed to its third reading.

Under the rules, placed on the regular calendar.

**Senate Bills on Second Reading
Reported by Committee**

The following Senate Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

SENATE BILL NO. 594—

BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 30:2154(B)(1)(a) and the introductory paragraph of (b) and to enact R.S. 30:2154(B)(9), relative to environmental quality; to provide for the disposal of sewage or treated waste water; to provide for a definition; to provide for limitations; and to provide for related matters.

Read by title.

Reported with amendments by the Committee on Environment.

The committee amendments were read as follows:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Environment to Engrossed Senate Bill No. 594 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 5, after "limitations" and before the semi-colon ";", insert "on effluent discharges; to provide for standards for treatment systems;"

AMENDMENT NO. 2

On page 2, at the end of line 5, after "treated" insert "residential"

AMENDMENT NO. 3

On page 2, line 9, after "provided in" delete the remainder of the line and at the beginning of line 10, delete "Section" and insert "Paragraph (9) of this Subsection"

AMENDMENT NO. 4

On page 2, line 15, after "system" delete the comma "," and the remainder of the line and insert "purchased or installed on or after July 1, 2004, from discharging non-industrial sanitary sewage"

AMENDMENT NO. 5

On page 2, line 16, after "off-site" delete "without a permit." and insert "unless the requirements of R.S. 40:1154 are met."

AMENDMENT NO. 6

On page 2, delete lines 22 through 24 in their entirety and insert the following:

"(c) The manufacturer of such residential aerobic waste water treatment system purchased or installed on or after July 1, 2004 shall be required to design and manufacture treatment units that meet ANSI/NSF Standard 40 Class 1 certified and must have demonstrated

in the ANSI/NSF Standard 40 Class 1 test an effluent quality of 15 mg/l CBOD5 and 20 mg/l TSS, or better, over the test period."

On motion of Rep. Damico, the amendments were adopted.

Under the rules, the bill, as amended, was recommitted to the Committee on Appropriations.

Suspension of the Rules

On motion of Rep. Schwegmann, the rules were suspended in order to take up and consider House Bills and Joint Resolutions on Third Reading and Final Passage at this time.

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

Regular Calendar

HOUSE BILL NO. 540— BY REPRESENTATIVE SCHWEGMANN AN ACT

To enact R.S. 46:333(D), relative to operation of concessions in public buildings; to provide for operation of concessions by blind persons; to provide for the exemption of certain facilities; and to provide for related matters.

Read by title.

Rep. Schwegmann moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Pinac
Alario	Glover	Pitre
Alexander	Green	Powell
Ansardi	Guillory	Quezaire
Arnold	Hammett	Richmond
Baldone	Heaton	Romero
Baudoin	Hill	Salter
Baylor	Honey	Scalise
Beard	Hopkins	Schneider
Broome	Hudson	Schwegmann
Bruce	Hunter	Shaw
Bruneau	Hutter	Smith, J.D.—50th
Capella	Iles	Smith, J.H.—8th
Carter, K	Jackson, L	Smith, J.R.—30th
Carter, R	Johns	Sneed
Cazayoux	Katz	Stelly
Crane	Kennard	Strain
Crowe	Kenney	Swilling
Curtis	LaFleur	Thompson
Damico	Lancaster	Toomy
Daniel	LeBlanc	Townsend
Devillier	Martiny	Triche
Diez	McDonald	Tucker
Downer	McVea	Waddell
Downs	Montgomery	Walker
Durand	Morrell	Walsworth
Erdey	Murray	Welch
Fannin	Nevers	Winston
Flavin	Odinot	Wooton
Frith	Perkins	Wright

Fruge
Futrell
Total—94

Peychaud
Pierre

NAYS

Total—0

ABSENT

Bowler
Dartez
Doerge
Farrar
Total—11

Faucheux
Hebert
Jackson, M
Landrieu

Lucas
Morris
Smith, G.—56th

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Schwegmann moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 642— BY REPRESENTATIVE DANIEL A JOINT RESOLUTION

Proposing to add Article X, Section 29(E)(2)(e) of the Constitution of Louisiana, relative to retirement and survivors' benefits; to provide relative to the establishment and actuarial soundness of certain public retirement systems; to provide for amortization of supplemental unfunded accrued liability; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Read by title.

Rep. Daniel moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:
YEAS

Mr. Speaker	Frith	Odinot
Alario	Fruge	Perkins
Alexander	Futrell	Pierre
Ansardi	Gallot	Pinac
Arnold	Glover	Pitre
Baldone	Green	Powell
Baudoin	Guillory	Quezaire
Baylor	Hammett	Richmond
Beard	Heaton	Romero
Bowler	Hill	Salter
Broome	Hopkins	Scalise
Bruce	Hudson	Schneider
Bruneau	Hunter	Schwegmann
Capella	Hutter	Shaw
Carter, K	Iles	Smith, J.D.—50th
Carter, R	Jackson, L	Smith, J.H.—8th
Cazayoux	Jackson, M	Smith, J.R.—30th
Crane	Katz	Sneed
Crowe	Kennard	Stelly
Curtis	Kenney	Strain
Damico	LaFleur	Swilling
Daniel	Lancaster	Thompson
Devilleir	Landrieu	Toomy
Diez	LeBlanc	Townsend
Downer	Martiny	Triche
Downs	McDonald	Waddell
Durand	McVea	Walker

Page 14 HOUSE

40th Day's Proceedings - June 11, 2003

Erdey
Fannin
Farrar
Flavin
Total—93

Montgomery
Morrell
Murray
Nevers

Welch
Winston
Wooton
Wright

NAYS

Total—0

ABSENT

Dartez
Doerge
Fauchaux
Hebert
Total—12

Honey
Johns
Lucas
Morrish

Psychaud
Smith, G.—56th
Tucker
Walsworth

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

Rep. Daniel moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 909—

BY REPRESENTATIVE SCHNEIDER
AN ACT

To enact R.S. 11:762(K) and 769, relative to the Teachers' Retirement System of Louisiana; to guarantee payment of a member's accumulated employee contributions; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Schneider moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:
YEAS

Mr. Speaker
Alario
Alexander
Ansardi
Arnold
Baldone
Baudoin
Baylor
Beard
Bowler
Broome
Bruce
Bruneau
Capella
Carter, K
Carter, R
Cazayoux
Crane
Crowe
Curtis
Damico
Daniel
Dartez
Devillier
Diez
Downer
Downs

Futrell
Gallot
Glover
Green
Guillory
Hammett
Heaton
Hebert
Hill
Honey
Hopkins
Hudson
Hunter
Hutter
Iles
Jackson, L
Jackson, M
Johns
Katz
Kennard
Kenney
LaFleur
Lancaster
Landrieu
LeBlanc
Lucas
Martiny

Odinot
Perkins
Psychaud
Pierre
Pinac
Pitre
Powell
Quezaire
Richmond
Romero
Salter
Scalise
Schneider
Schwegmann
Shaw
Smith, J.D.—50th
Smith, J.H.—8th
Smith, J.R.—30th
Sneed
Stelly
Strain
Swilling
Thompson
Toomy
Townsend
Triche
Tucker

Durand
Erdey
Fannin
Farrar
Flavin
Frith
Fruge
Total—102

McDonald
McVea
Montgomery
Morrell
Morrish
Murray
Nevers

Waddell
Walker
Walsworth
Welch
Winston
Wooton
Wright

NAYS

Total—0

ABSENT

Doerge
Total—3

Fauchaux

Smith, G.—56th

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Schneider moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1075—

BY REPRESENTATIVES BROOME, MORRELL, AND MURRAY
AN ACT

To enact R.S. 17:421.9, relative to public school social workers; to provide a salary supplement for certain public school social workers who have acquired certification by the National Association of Social Workers; to provide conditions and guidelines for receiving the supplement; to provide for payment; to provide limitations; to provide definitions; to provide for effectiveness; and to provide for related matters.

Read by title.

Rep. Broome sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Broome to Reengrossed House Bill No. 1075 by Representative Broome

AMENDMENT NO. 1

On page 2, delete lines 7 through 13 in their entirety

AMENDMENT NO. 2

On page 2, line 14, delete "(2)" and insert "B(1)" and after "worker" delete "who is" and insert in lieu thereof "verified to have been" and after "the" and before "credential" insert "Certified School Social Work Specialist"

AMENDMENT NO. 3

On page 2, line 15, delete "during the spring"

AMENDMENT NO. 4

On page 2, line 16, delete "school term"

AMENDMENT NO. 5

On page 2, line 18 after "certificate" and before the period "." insert "provided he submits appropriate documentation to the employing school board"

AMENDMENT NO. 6

On page 2, between lines 18 and 19 insert the following:

"(2) The school board shall submit the appropriate documentation as required by the Department of Education no later than August first of each year for verification of the documentation and in order to receive reimbursement as provided in Subsection C of this Section."

On motion of Rep. Broome, the amendments were adopted.

Rep. Morrish sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrish to Reengrossed House Bill No. 1075 by Representative Broome

AMENDMENT NO. 1

On page 1, line 2, after "workers" and before the semicolon ";" insert "and educational diagnosticians"

AMENDMENT NO. 2

On page 1, line 4, after "Workers" and before the semicolon ";" insert "and for certain educational diagnosticians who have acquired certification by the Council for Exceptional Children"

AMENDMENT NO. 3

On page 1, line 9, after "R.S. 17:421.9" and before "hereby" delete "is" and insert "and 421.10 are"

AMENDMENT NO. 4

On page 4, between lines 5 and 6, insert the following:

"§421.10. Supplements to salaries of educational diagnosticians having certain certificates issued by the Council for Exceptional Children

A. Effective for the 2003-2004 school year and thereafter, a full-time educational diagnostician who holds a valid Louisiana certificate approved and issued by the state Department of Education and a Professionally Recognized Special Educator certificate in educational diagnosis issued by the Council for Exceptional Children and who is employed by a school board to provide and coordinate educational diagnosis services for students shall receive from the school board, in addition to annual salary, an annual amount of five thousand dollars with such additional amount to be distributed in the same manner as the annual salary.

B. (1) For any educational diagnostician who is awarded the certificate issued by the Council for Exceptional Children during the fall school term and submits documentation to the school board, the initial salary supplement as provided in Subsection A of this Section shall be prorated and paid to the educational diagnostician beginning with the spring term of the same school year in which the educational diagnostician is awarded the certificate.

(2) Any educational diagnostician who is awarded the certificate issued by the Council for Exceptional Children during the spring school term shall be paid the initial supplement beginning in the school year immediately following the school year in which the educational diagnostician is awarded the certificate.

C. Subject to the appropriation of funds for this purpose, the amount of the salary supplement provided by a school board to a

educational diagnostician pursuant to the provisions of this Section shall be reimbursed to the school board annually by the state Department of Education out of funds appropriated for such purpose. However, no such reimbursement shall exceed five thousand dollars per year per educational diagnostician.

D. In addition to any other requirements of this Section, to receive the salary supplement provided by this Section for the fall school term of the 2003-2004 school year, an otherwise eligible person shall have been awarded the initial certificate in educational diagnosis issued by the Council for Exceptional Children before July 1, 2003, and shall provide such documentation of validity to the school board prior to September 1, 2003.

E. The salary supplement of any educational diagnostician authorized by this Section shall continue for a period not to exceed the term of the national certificate as determined by the Council for Exceptional Children, which is a period not to exceed five years. However, such supplement shall continue in effect without interruption as long as the educational diagnostician provides to the school board documentation of certificate renewal by the Council for Exceptional Children.

F.(1) The supplements provided for in this Section shall be implemented over a three-year period as follows:

(a) Those who are entitled to a supplement under this Section in the 2003-2004 school year shall receive one thousand dollars.

(b) Those who are entitled to a supplement under this Section in the 2004-2005 school year shall receive two thousand five hundred dollars.

(c) Those who are entitled to a supplement under this Section in the 2005-2006 school year and thereafter shall receive the supplement otherwise provided for in this Section.

(2) The provisions of Paragraph (1) of this Subsection for implementation of payments shall not extend the period of eligibility to receive payments.

G. For the purposes of this Section, "school board" shall mean the governing authority of any public elementary or secondary school."

AMENDMENT NO. 5

On page 4, delete lines 6 through 9 in their entirety and insert the following in lieu thereof:

"Section 2. (A) The state Department of Education shall not implement the provisions of this Act relative to school social workers, nor shall any school social worker be eligible to receive the benefits provided under this Act, until full funding to provide for implementation and payment of all salary supplements for eligible school social workers is included in an Act of the legislature.

(B) The state Department of Education shall not implement the provisions of this Act relative to educational diagnosticians, nor shall any educational diagnostician be eligible to receive the benefits provided under this Act, until full funding to provide for implementation and payment of all salary supplements for eligible educational diagnosticians is included in an Act of the legislature."

Rep. Morrish moved the adoption of the amendments.

Rep. Broome objected.

By a vote of 45 yeas and 54 nays, the amendments were rejected.

Page 16 HOUSE

40th Day's Proceedings - June 11, 2003

Rep. Broome moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Pinac
Alario	Green	Pitre
Ansardi	Guillory	Powell
Arnold	Heaton	Quezaire
Baldone	Hebert	Richmond
Baylor	Hill	Romero
Beard	Honey	Salter
Bowler	Hopkins	Scalise
Broome	Hudson	Schneider
Bruce	Hunter	Schwegmann
Bruneau	Hutter	Shaw
Carter, K	Iles	Smith, G.—56th
Carter, R	Jackson, L	Smith, J.D.—50th
Cazayoux	Johns	Smith, J.H.—8th
Crane	Kennard	Smith, J.R.—30th
Crowe	Kenney	Sneed
Curtis	LaFleur	Stelly
Damico	Lancaster	Strain
Daniel	Landrieu	Swilling
Dartez	LeBlanc	Thompson
Devillier	Lucas	Toomy
Diez	Martiny	Townsend
Downer	McDonald	Triche
Downs	McVea	Tucker
Durand	Montgomery	Waddell
Erdey	Morrell	Walker
Fannin	Morrish	Walsworth
Farrar	Murray	Welch
Faucheux	Nevers	Winston
Flavin	Odinot	Wooton
Frith	Perkins	Wright
Futrell	Peychaud	
Gallot	Pierre	
Total—97		

NAYS

Alexander	Fruge
Baudoin	Katz
Total—4	

ABSENT

Capella	Hammett
Doerge	Jackson, M
Total—4	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Broome moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1157— BY REPRESENTATIVE POWELL

AN ACT

To enact R.S. 17:3997(F), relative to the Northwood Preparatory High School, to provide for duties of the State Board of Elementary and Secondary Education regarding the development, and administration of a claims process for former employees of the Northwood Preparatory High School to receive unpaid wages and benefits; to authorize and provide for the payment of certain

claims; from certain monies provided to the Tangipahoa Parish School Board pursuant to cooperative endeavor with the state which monies may be used for payment of claims under certain circumstances; to provide for conditions for effectiveness; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Murray sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Murray to Engrossed House Bill No. 1157 by Representative Powell

AMENDMENT NO. 1

On page 1, line 2, after "enact" delete "R.S. 17:399(F), relative to " and insert "R.S. 17:399(F) and (G) relative to charter schools including"

AMENDMENT NO. 2

On page 1, line 4, after "development" delete the comma ","

AMENDMENT NO. 3

On page 1, line 7, after "claims" delete the semi-colon ";

AMENDMENT NO. 4

On page 1, line 10, after "circumstances" after the semi-colon ";" insert "to provide for grants to certain charter schools for the benefit of school employees;"

AMENDMENT NO. 5

On page 1, line 13, change "R.S. 17:3997(F) is" to "R.S. 17:3997(F) and (G) are"

AMENDMENT NO. 6

On page 4, between lines 2 and 3, insert the following:

"G. (1) Beginning in Fiscal Year 2002-2003 and in each year thereafter, of the total funds appropriated each year to the board from the Charter School Start-Up Loan Fund, the board shall allocate from such appropriation sufficient monies to provide a one hundred thousand dollar grant to each of the following charter schools for the benefit of the school's employees, which grant monies shall be awarded no later than the thirtieth day of June each year.

(a) International School of Louisiana in New Orleans.

(b) Milestone Academy of Learning in New Orleans.

(c) SABIS Charter School of New Orleans in New Orleans.

(d) New Vision Learning Academy in Monroe."

On motion of Rep. Murray, the amendments were adopted.

Rep. Powell moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Guillory	Psychaud
Alario	Hammett	Pierre
Baldone	Heaton	Powell
Beard	Hebert	Quezaire
Carter, K	Honey	Romero
Carter, R	Hunter	Scalise
Crane	Iles	Schwegmann
Curtis	Landrieu	Smith, G.—56th
Damico	Lucas	Smith, J.D.—50th
Dartez	McDonald	Smith, J.R.—30th
Diez	McVea	Strain
Faucheux	Montgomery	Swilling
Flavin	Morrell	Townsend
Frith	Morrish	Welch
Futrell	Murray	Winston
Glover	Nevers	
Green	Odinet	
Total—49		

NAYS

Alexander	Farrar	Pitre
Ansardi	Fruge	Richmond
Arnold	Gallot	Salter
Baudoin	Hill	Schneider
Bowler	Hopkins	Shaw
Broome	Hutter	Smith, J.H.—8th
Bruneau	Jackson, L	Sneed
Capella	Johns	Stelly
Cazayoux	Katz	Thompson
Crowe	Kenney	Triche
Daniel	LaFleur	Tucker
Downer	Lancaster	Waddell
Downs	LeBlanc	Walker
Durand	Martiny	Walsworth
Erdey	Perkins	Wooton
Fannin	Pinac	Wright
Total—48		

ABSENT

Baylor	Doerge	Kennard
Bruce	Hudson	Toomy
Devillier	Jackson, M	
Total—8		

Failed to pass.

Motion to reconsider pending.

HOUSE BILL NO. 1317—
BY REPRESENTATIVE BROOME

AN ACT

To enact R.S. 17:421.9, relative to public school speech-language pathologists and audiologists; to provide a salary supplement for certain public school speech-language pathologists and audiologists who have acquired certification by the American Speech-Language Hearing Association; to provide conditions and guidelines for receiving the supplement; to provide limitations; to provide procedures for payment of such supplement; to provide definitions; to provide for effectiveness; and to provide for related matters.

Read by title.

Rep. Morrish sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrish to Reengrossed House Bill No. 1317 by Representative Broome

AMENDMENT NO. 1

On page 1, line 2, after "audiologists" and before the semicolon ";" insert "and educational diagnosticians"

AMENDMENT NO. 2

On page 1, line 6, after "Association" and before the semicolon ";" insert "and for certain educational diagnosticians who have acquired certification by the Council for Exceptional Children"

AMENDMENT NO. 3

On page 1, line 11, after "R.S. 17:421.9" and before "hereby" delete "is" and insert "and 421.10 are"

AMENDMENT NO. 4

On page 4, between lines 8 and 9, insert the following:

"§421.10. Supplements to salaries of educational diagnosticians having certain certificates issued by the Council for Exceptional Children

A. Effective for the 2003-2004 school year and thereafter, a full-time educational diagnostician who holds a valid Louisiana certificate approved and issued by the state Department of Education and a Professionally Recognized Special Educator certificate in educational diagnosis issued by the Council for Exceptional Children and who is employed by a school board to provide and coordinate educational diagnosis services for students shall receive from the school board, in addition to annual salary, an annual amount of five thousand dollars with such additional amount to be distributed in the same manner as the annual salary.

B. (1) For any educational diagnostician who is awarded the certificate issued by the Council for Exceptional Children during the fall school term and submits documentation to the school board, the initial salary supplement as provided in Subsection A of this Section shall be prorated and paid to the educational diagnostician beginning with the spring term of the same school year in which the educational diagnostician is awarded the certificate.

(2) Any educational diagnostician who is awarded the certificate issued by the Council for Exceptional Children during the spring school term shall be paid the initial supplement beginning in the school year immediately following the school year in which the educational diagnostician is awarded the certificate.

C. Subject to the appropriation of funds for this purpose, the amount of the salary supplement provided by a school board to a educational diagnostician pursuant to the provisions of this Section shall be reimbursed to the school board annually by the state Department of Education out of funds appropriated for such purpose. However, no such reimbursement shall exceed five thousand dollars per year per educational diagnostician.

D. In addition to any other requirements of this Section, to receive the salary supplement provided by this Section for the fall school term of the 2003-2004 school year, an otherwise eligible person shall have been awarded the initial certificate in educational diagnosis issued by the Council for Exceptional Children before July 1, 2003, and shall provide such documentation of validity to the school board prior to September 1, 2003.

Page 18 HOUSE

40th Day's Proceedings - June 11, 2003

E. The salary supplement of any educational diagnostician authorized by this Section shall continue for a period not to exceed the term of the national certificate as determined by the Council for Exceptional Children, which is a period not to exceed five years. However, such supplement shall continue in effect without interruption as long as the educational diagnostician provides to the school board documentation of certificate renewal by the Council for Exceptional Children.

F.(1) The supplements provided for in this Section shall be implemented over a three-year period as follows:

(a) Those who are entitled to a supplement under this Section in the 2003-2004 school year shall receive one thousand dollars.

(b) Those who are entitled to a supplement under this Section in the 2004-2005 school year shall receive two thousand five hundred dollars.

(c) Those who are entitled to a supplement under this Section in the 2005-2006 school year and thereafter shall receive the supplement otherwise provided for in this Section.

(2) The provisions of Paragraph (1) of this Subsection for implementation of payments shall not extend the period of eligibility to receive payments.

G. For the purposes of this Section, "school board" shall mean the governing authority of any public elementary or secondary school."

AMENDMENT NO. 5

On page 4, delete lines 9 through 12 in their entirety and insert the following in lieu thereof:

"Section 2. (A) The state Department of Education shall not implement the provisions of this Act relative to school speech-language pathologists and audiologists, nor shall any school speech-language pathologist or audiologist be eligible to receive the benefits provided under this Act, until full funding to provide for implementation and payment of all salary supplements for eligible school speech-language pathologists and audiologists is included in an Act of the legislature.

(B) The state Department of Education shall not implement the provisions of this Act relative to educational diagnosticians, nor shall any educational diagnostician be eligible to receive the benefits provided under this Act, until full funding to provide for implementation and payment of all salary supplements for eligible educational diagnosticians is included in an Act of the legislature."

On motion of Rep. Morrish, the amendments were withdrawn.

Rep. Broome moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Ansardi	Honey	Smith, G.—56th
Baldone	Hudson	Smith, J.D.—50th
Baylor	Hunter	Smith, J.H.—8th
Broome	Hutter	Sneed
Bruce	Jackson, L	Strain
Carter, K	Landrieu	Swilling
Carter, R	Lucas	Toomy
Curtis	Martiny	Townsend
Daniel	Morrell	Triche
Dartez	Murray	Waddell

Erdey
Frith
Gallot
Green
Guillory
Hebert
Hill
Total—49

Nevers
Peychaud
Pierre
Quezaire
Richmond
Romero
Scalise

Walker
Walsworth
Welch
Winston
Wright

NAYS

Mr. Speaker
Alario
Alexander
Baudoin
Beard
Bowler
Capella
Cazayoux
Crane
Crowe
Damico
Diez
Downs
Durand
Fannin
Farrar
Total—47

Faucheux
Flavin
Fruge
Futrell
Hammett
Heaton
Hopkins
Iles
Johns
Katz
Kenney
LaFleur
Lancaster
LeBlanc
McDonald
McVea

Montgomery
Morrish
Odinet
Perkins
Pinac
Pitre
Powell
Salter
Schneider
Schwegmann
Shaw
Stelly
Thompson
Tucker
Wooton

ABSENT

Arnold
Bruneau
Devillier
Total—9

Doerge
Downer
Glover

Jackson, M
Kennard
Smith, J.R.—30th

Failed to pass.

Motion to reconsider pending.

HOUSE BILL NO. 1663—

BY REPRESENTATIVES FUTRELL AND MCVEA AND SENATOR DUPRE
AN ACT

To enact Part XI-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 48:194, relative to state highways; to create the State Highway Construction Fund as a special fund in the state treasury; to provide for the deposit of monies into the fund; to provide for the uses of the monies in the fund; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Futrell, the bill was returned to the calendar.

HOUSE BILL NO. 1858—

BY REPRESENTATIVES LEBLANC, LAFLEUR, MURRAY, AND WELCH
AN ACT

To enact R.S. 17:419.2, relative to school support personnel; to provide for extra compensation paid by the state for school support personnel; to provide for the amount to be distributed to each employee; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. LeBlanc moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Peychaud
Alexander	Glover	Pierre
Ansardi	Green	Pinac
Arnold	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Quezaire
Baylor	Hebert	Richmond
Beard	Hill	Romero
Bowler	Honey	Salter
Broome	Hopkins	Scalise
Bruce	Hudson	Schneider
Bruneau	Hunter	Schwegmann
Capella	Hutter	Shaw
Carter, K	Iles	Smith, G.—56th
Carter, R	Jackson, L	Smith, J.D.—50th
Cazayoux	Jackson, M	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Crowe	Katz	Sneed
Curtis	Kennard	Stelly
Damico	Kenney	Strain
Daniel	LaFleur	Swilling
Dartez	Lancaster	Thompson
Devillier	Landrieu	Toomy
Diez	LeBlanc	Townsend
Downer	Lucas	Triche
Downs	Martiny	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Odinet	Wright
Total—102		

NAYS

Total—0

ABSENT

Doerge	Fruge	Nevers
Total—3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. LeBlanc moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1919—
BY REPRESENTATIVE SCHWEGMANN
AN ACT

To amend and reenact R.S. 46:2633(D)(1) and 2634(D)(1), relative to the Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board; to provide for use of monies in the Traumatic Head and Spinal Cord Injury Trust Fund; to provide for reimbursement of members' necessary travel expenses; and to provide for related matters.

Read by title.

Rep. Schwegmann moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Odinet
Alario	Futrell	Perkins
Alexander	Gallot	Peychaud
Ansardi	Glover	Pinac
Arnold	Green	Pitre
Baldone	Guillory	Powell
Baudoin	Hammett	Quezaire
Baylor	Heaton	Richmond
Beard	Hebert	Romero
Bowler	Honey	Salter
Broome	Hopkins	Scalise
Bruce	Hudson	Schneider
Bruneau	Hunter	Schwegmann
Capella	Hutter	Shaw
Carter, K	Iles	Smith, G.—56th
Carter, R	Jackson, L	Smith, J.D.—50th
Cazayoux	Jackson, M	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Crowe	Katz	Sneed
Curtis	Kennard	Stelly
Damico	Kenney	Strain
Daniel	LaFleur	Swilling
Dartez	Lancaster	Thompson
Devillier	Landrieu	Toomy
Diez	LeBlanc	Townsend
Downer	Lucas	Triche
Downs	Martiny	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Welch
Farrar	Morrell	Winston
Faucheux	Morrish	Wooton
Flavin	Murray	Wright
Frith	Nevers	
Total—101		

NAYS

Walsworth
Total—1

ABSENT

Doerge	Hill	Pierre
Total—3		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Schwegmann moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1999 (Duplicate of Senate Bill No. 929)—
BY REPRESENTATIVE WINSTON AND SENATOR HAINKEL
AN ACT

To enact Chapter 1 of Part XV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:4780 through 4785, relative to boats and boating; to provide with respect to the "Marina and Boatyard Storage Act"; to provide definitions; to provide with respect to the creation of a privilege on movable property stored in marinas and boatyards for the payment of rent due and other charges; to provide for exclusions; to provide with respect to notice of privilege; to provide for the enforcement

Page 20 HOUSE

40th Day's Proceedings - June 11, 2003

of the privilege by sale or other disposition; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Winston, the bill was returned to the calendar.

HOUSE BILL NO. 2033 (Substitute for House Bill No. 1439 by Representatives Hebert and Morrish)—
BY REPRESENTATIVES HEBERT, FAUCHEUX, MORRISH, AND GARY SMITH

AN ACT

To enact R.S. 22:228.1(B)(12) and (C), relative to health insurance; to provide with respect to small group and individual health insurance rating; to provide for medical savings account policies; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Hebert, the bill was returned to the calendar.

HOUSE BILL NO. 19—
BY REPRESENTATIVE FRITH

A JOINT RESOLUTION

Proposing to amend Article V, Section 23(B) of the Constitution of Louisiana, to authorize a judge who reaches the mandatory retirement age of seventy prior to finishing his term of office to complete that current term; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Frith sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Frith to Engrossed House Bill No. 19 by Representative Frith

AMENDMENT NO. 1

On page 2, at the end of line 2, change "2004." to "2005."

AMENDMENT NO. 2

On page 2, line 12, change "January 1, 2004)" to "January 1, 2005)"

On motion of Rep. Frith, the amendments were adopted.

Rep. Frith moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Frith	Nevers
Alario	Futrell	Odinot
Alexander	Gallot	Perkins
Ansardi	Glover	Psychaud
Arnold	Guillory	Pierre

Baldone
Baudoin
Baylor
Beard
Bruce
Bruneau
Capella
Carter, K
Carter, R
Cazayoux
Crane
Crowe
Curtis
Damico
Daniel
Dartez
Diez
Downer
Downs
Durand
Erdey
Fannin
Farrar
Fauchoux
Flavin
Total—88

Hammett
Heaton
Hebert
Hill
Honey
Hopkins
Hudson
Hunter
Hutter
Iles
Jackson, L
Johns
Katz
Kennard
Kenney
LaFleur
Lancaster
Landrieu
LeBlanc
Lucas
Martiny
McDonald
Montgomery
Morrell
Murray

Powell
Quezaire
Richmond
Romero
Salter
Schneider
Schwegmann
Shaw
Smith, G.—56th
Smith, J.D.—50th
Smith, J.R.—30th
Stelly
Strain
Swilling
Thompson
Toomy
Townsend
Triche
Waddell
Welch
Winston
Wooton
Wright

NAYS

Bowler
Fruge
Pinac
Pitre
Total—10

Scalise
Smith, J.H.—8th
Sneed
Tucker

Walker
Walsworth

ABSENT

Broome
Devillier
Doerge
Total—7

Green
Jackson, M
McVea

Morrish

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

HOUSE BILL NO. 625—

BY REPRESENTATIVE WALSWORTH

AN ACT

To amend and reenact R.S. 6:1096(G) and R.S. 9:3572.6(C), relative to loan brokers; to allow collection of certain fees by mortgage brokers and consumer loan brokers as part of an advance expense deposit; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Walsworth moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Odinot
Alario	Futrell	Perkins
Alexander	Gallot	Pierre
Ansardi	Glover	Pinac

Arnold	Green	Pitre
Baldone	Guillory	Powell
Baudoin	Hammett	Quezaire
Baylor	Heaton	Richmond
Beard	Hebert	Salter
Bowler	Hill	Scalise
Broome	Honey	Schneider
Bruce	Hopkins	Schwegmann
Bruneau	Hudson	Shaw
Capella	Hutter	Smith, G.—56th
Carter, K	Iles	Smith, J.D.—50th
Carter, R	Jackson, L	Smith, J.H.—8th
Cazayoux	Jackson, M	Smith, J.R.—30th
Crane	Johns	Sneed
Crowe	Katz	Strain
Curtis	Kennard	Swilling
Damico	Kenney	Thompson
Daniel	LaFleur	Toomy
Dartez	Lancaster	Townsend
Devillier	Landrieu	Triche
Diez	LeBlanc	Tucker
Downer	Lucas	Waddell
Downs	Martiny	Walker
Durand	McDonald	Walsworth
Erdey	McVea	Welch
Farrar	Montgomery	Winston
Faucheux	Morrell	Wooton
Flavin	Murray	Wright
Frith	Nevers	
Total—98		

NAYS

Hunter	Psychaud	Romero
Total—3		

ABSENT

Doerge	Morrish
Fannin	Stelly
Total—4	

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Walsworth moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Shaw, the rules were suspended to limit the author or proponent handling the legislative instrument to ten minutes for opening remarks and all subsequent speakers on the instrument to five minutes.

HOUSE BILL NO. 771— BY REPRESENTATIVE FUTRELL

AN ACT

To amend and reenact R.S. 32:295.1(B), relative to seat belts; to require that every person thirteen or older who is an occupant in certain vehicles wear a safety belt; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Futrell sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Futrell to Engrossed House Bill No. 771 by Representative Futrell

AMENDMENT NO. 1

On page 1, line 11, after "each" delete the remainder of the line and insert "front seat occupant and any other occupant under the age of eighteen of"

On motion of Rep. Futrell, the amendments were adopted.

Rep. Futrell moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Alexander	Glover	Odinot
Baudoin	Green	Perkins
Beard	Guillory	Pitre
Bruce	Hill	Quezaire
Crane	Hopkins	Schwegmann
Crowe	Hutter	Shaw
Daniel	Johns	Smith, J.H.—8th
Downer	Katz	Stelly
Downs	Kennard	Waddell
Erdey	Landrieu	Walker
Farrar	McDonald	Walsworth
Faucheux	Montgomery	Wright
Frith	Morrell	
Futrell	Morrish	
Total—40		

NAYS

Mr. Speaker	Gallot	Pinac
Alario	Hammett	Powell
Ansardi	Heaton	Richmond
Arnold	Hebert	Romero
Baldone	Honey	Salter
Baylor	Hunter	Scalise
Bowler	Iles	Schneider
Bruneau	Jackson, L	Smith, G.—56th
Capella	Kenney	Smith, J.D.—50th
Carter, K	LaFleur	Smith, J.R.—30th
Carter, R	Lancaster	Sneed
Curtis	LeBlanc	Strain
Damico	Lucas	Swilling
Dartez	Martiny	Thompson
Diez	McVea	Toomy
Durand	Murray	Townsend
Fannin	Nevers	Triche
Flavin	Psychaud	Welch
Frige	Pierre	Wooton
Total—57		

ABSENT

Broome	Doerge	Tucker
Cazayoux	Hudson	Winston
Devillier	Jackson, M	
Total—8		

The Chair declared the above bill was finally passed.

Rep. Jack Smith moved to reconsider the vote by which the above bill failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Page 22 HOUSE

40th Day's Proceedings - June 11, 2003

HOUSE BILL NO. 867—

BY REPRESENTATIVE MORRELL

AN ACT

To amend and reenact Section 4 of Act No. 762 of the 1986 Regular Session of the Legislature, as amended by Act No. 875 of the 1988 Regular Session of the Legislature, and as amended by Act No. 1227 of the 1995 Regular Session of the Legislature, relative to the Greater New Orleans Expressway Commission; to provide for use of surplus funds; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Morrell sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Morrell to Engrossed House Bill No. 867 by Representative Morrell

AMENDMENT NO. 1

On page 3, line 12, after "2004," and before "and" insert "for the purpose of purchasing bullet-proof vests for the Strategic Weapons and Tactics Team."

On motion of Rep. Morrell, the amendments were adopted.

Rep. Morrell moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Psychaud
Alario	Glover	Pierre
Alexander	Green	Pinac
Arnold	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Quezaire
Baylor	Hebert	Richmond
Beard	Hill	Romero
Bowler	Honey	Salter
Bruce	Hopkins	Scalise
Capella	Hudson	Schwegmann
Carter, K	Hunter	Shaw
Cazayoux	Hutter	Smith, G.—56th
Crane	Iles	Smith, J.D.—50th
Crowe	Jackson, L	Smith, J.H.—8th
Curtis	Johns	Smith, J.R.—30th
Damico	Katz	Sneed
Daniel	Kennard	Stelly
Dartez	Kenney	Strain
Devillier	LaFleur	Swilling
Diez	Lancaster	Thompson
Downer	Landrieu	Toomy
Downs	LeBlanc	Townsend
Durand	Lucas	Triche
Erdey	McDonald	Tucker
Fannin	McVea	Waddell
Farrar	Montgomery	Walker
Faucheux	Morrell	Walsworth
Flavin	Murray	Welch
Frith	Nevers	Winston

Fruge

Futrell

Total—96

Odinet
Perkins

Wooton
Wright

NAYS

Total—0

ABSENT

Ansardi
Broome
Bruneau
Total—9

Carter, R
Doerge
Jackson, M

Martiny
Morrish
Schneider

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Morrell moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1510—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:691(C), (E), and (F)(2) and to enact R.S. 22:691(H), relative to the standard fire insurance contract; to provide for the office of property and casualty; to provide for cancellation notice; to provide for loss payable; to provide for terrorism coverage; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Hebert moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Psychaud
Alexander	Glover	Pierre
Arnold	Green	Pinac
Baldone	Guillory	Pitre
Baudoin	Hammett	Powell
Baylor	Heaton	Quezaire
Beard	Hebert	Richmond
Bowler	Hill	Romero
Bruce	Honey	Salter
Bruneau	Hopkins	Scalise
Capella	Hudson	Schneider
Carter, K	Hunter	Schwegmann
Carter, R	Hutter	Shaw
Cazayoux	Iles	Smith, G.—56th
Crane	Jackson, L	Smith, J.D.—50th
Crowe	Johns	Smith, J.H.—8th
Curtis	Katz	Smith, J.R.—30th
Damico	Kennard	Sneed
Daniel	Kenney	Stelly
Dartez	LaFleur	Strain
Devillier	Lancaster	Swilling
Diez	Landrieu	Thompson
Downer	LeBlanc	Toomy
Downs	Lucas	Townsend
Durand	McDonald	Triche

Erdey	McVea	Tucker
Fannin	Montgomery	Waddell
Farrar	Morrell	Walker
Faucheux	Morrish	Walsworth
Flavin	Murray	Welch
Frith	Nevers	Winston
Fruge	Odinet	Wright
Total—99		

NAYS

Total—0

ABSENT

Ansardi	Doerge	Martiny
Broome	Jackson, M	Wooton
Total—6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hebert moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 2033 (Substitute for House Bill No. 1439 by Representatives Hebert and Morrish)—

BY REPRESENTATIVES HEBERT, FAUCHEUX, MORRISH, AND GARY SMITH

AN ACT

To enact R.S. 22:228.1(B)(12) and (C), relative to health insurance; to provide with respect to small group and individual health insurance rating; to provide for medical savings account policies; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Hebert moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Peychaud
Alexander	Glover	Pierre
Ansardi	Green	Pinac
Arnold	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Quezaire
Baylor	Hebert	Richmond
Beard	Hill	Romero
Bowler	Honey	Salter
Bruneau	Hopkins	Schneider
Capella	Hudson	Schwegmann
Carter, K	Hunter	Shaw
Carter, R	Hutter	Smith, G.—56th
Cazayoux	Iles	Smith, J.D.—50th
Crane	Jackson, L	Smith, J.H.—8th
Crowe	Johns	Smith, J.R.—30th
Curtis	Katz	Sneed
Damico	Kenney	Stelly
Daniel	LaFleur	Strain
Dartez	Landrieu	Swilling
Devillier		Thompson

Diez	LeBlanc	Toomy
Downer	Lucas	Townsend
Downs	Martiny	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Fannin	Montgomery	Walker
Farrar	Morrell	Walsworth
Faucheux	Morrish	Welch
Flavin	Murray	Winston
Frith	Nevers	Wooton
Fruge	Odinet	Wright
Total—99		

NAYS

Total—0

ABSENT

Broome	Doerge	Lancaster
Bruce	Jackson, M	Scalise
Total—6		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hebert moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1625—

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:102(B)(3)(d), 542(A), (B), (C)(1)(introductory paragraph), and (D), and 883.1(A), (B), (C)(1)(introductory paragraph), and (D), relative to state retirement systems; to provide relative to payment of unfunded accrued liabilities of the Louisiana State Employees' Retirement System and of the Teachers' Retirement System of Louisiana; to provide for amortization of unfunded accrued liabilities in over a thirty-year period from the time of occurrence; to include negative employee experience account balances in the unfunded accrued liability; to provide for experience account credits; to provide for an effective date; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Schneider moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Peychaud
Alexander	Glover	Pierre
Ansardi	Green	Pinac
Arnold	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Quezaire
Baylor	Hebert	Richmond
Beard	Honey	Romero
Bowler	Hopkins	Salter
Broome	Hudson	Scalise
Bruneau	Hunter	Schneider

Page 24 HOUSE

40th Day's Proceedings - June 11, 2003

Capella	Hutter	Schwegmann
Carter, R	Iles	Smith, G.—56th
Cazayoux	Jackson, L	Smith, J.D.—50th
Crane	Johns	Smith, J.H.—8th
Crowe	Katz	Smith, J.R.—30th
Curtis	Kennard	Sneed
Damico	Kenney	Stelly
Daniel	LaFleur	Strain
Dartez	Lancaster	Swilling
Devillier	Landrieu	Thompson
Diez	LeBlanc	Toomy
Downer	Lucas	Townsend
Downs	Martiny	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Fannin	Montgomery	Walker
Farrar	Morrell	Walsworth
Faucheux	Morrish	Welch
Flavin	Murray	Winston
Frith	Nevers	Wooton
Fruge	Odinet	
Total—98		

NAYS

Total—0

ABSENT

Bruce	Hill	Wright
Carter, K	Jackson, M	
Doerge	Shaw	
Total—7		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Schneider moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1876—

BY REPRESENTATIVE K. CARTER

AN ACT

To amend and reenact R.S. 32:412(A)(1), (2), (5), and (6) and (B)(1), (2), and (7)(e)(i)(aa), (cc), (dd)(I), (ee), (ii)(aa), (cc), (dd)(I), and (ee) and to enact R.S. 30:2532(B)(3), relative to drivers' licenses; to increase the fee for issuance and renewal of drivers' licenses; to require funds from such fee increase to be forwarded to the Keep Louisiana Beautiful Fund; to provide relative to the use of such funds; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Karen Carter moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Nevers
Alario	Gallot	Odinet
Ansardi	Glover	Peychaud
Arnold	Green	Pierre
Baldone	Guillory	Pinac
Baudoin	Hammett	Pitre
Baylor	Heaton	Powell

Bruce	Hebert	Quezaire
Bruneau	Hill	Richmond
Carter, K	Honey	Salter
Cazayoux	Hopkins	Smith, G.—56th
Crane	Hudson	Smith, J.D.—50th
Crowe	Hunter	Smith, J.R.—30th
Curtis	Hutter	Stelly
Damico	Jackson, L	Strain
Daniel	Johns	Swilling
Dartez	Kenney	Thompson
Diez	LaFleur	Toomy
Downer	Lancaster	Townsend
Downs	Landrieu	Tucker
Durand	LeBlanc	Waddell
Farrar	Lucas	Welch
Faucheux	McVea	Wooton
Flavin	Montgomery	Wright
Frith	Morrell	
Fruge	Murray	
Total—76		

NAYS

Alexander	Katz	Schwegmann
Beard	Martiny	Sneed
Bowler	McDonald	Triche
Capella	Perkins	Walker
Erdey	Romero	Walsworth
Fannin	Scalise	Winston
Iles	Schneider	
Total—20		

ABSENT

Broome	Doerge	Morrish
Carter, R	Jackson, M	Shaw
Devilleir	Kennard	Smith, J.H.—8th
Total—9		

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

HOUSE BILL NO. 1110—

BY REPRESENTATIVE FAUCHEUX

AN ACT

To amend and reenact R.S. 27:44(4) and 59(A)(5) and to enact R.S. 27:44(4.1), relative to riverboat gaming; to amend the definition of designated gaming area; to provide for definitions; to provide for the adoption of rules defining gaming positions; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Martiny sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Martiny to Engrossed House Bill No. 1110 by Representative Faucheux

AMENDMENT NO. 1

On page 1, line 18, after "lesser." delete the remainder of the line

AMENDMENT NO. 2

On page 1, line 19, delete "or emergency evacuation routes."

AMENDMENT NO. 3

On page 2, at the end of line 2, insert the following:

"Designated gaming area" shall not include the following areas where gaming activity is prohibited from being conducted: aisles, bathrooms, stairwells, cage and beverage areas, or emergency evacuation routes."

AMENDMENT NO. 4

On page 2, at the end of line 7, delete "from"

AMENDMENT NO. 5

On page 2, at the beginning of line 8, delete "which and"

Acting Speaker LeBlanc in the Chair

Motion

Rep. DeWitt moved that the bill be returned to the calendar.

Rep. Martiny objected.

By a vote of 71 yeas and 27 nays, the House returned the bill to the calendar.

Speaker DeWitt in the Chair

HOUSE BILL NO. 1408—

BY REPRESENTATIVES DEWITT AND JOHNS
AN ACT

To amend and reenact R.S. 40:1299.44(C)(5) and (D)(2)(b)(x) and (xi) and to enact R.S. 40:1299.44(D)(2)(b)(xii), relative to Medical Malpractice Act for private services; to provide for the Patient's Compensation Fund; to provide additional procedures for the payment of claims from the Patient's Compensation Fund; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Johns sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Johns to Engrossed House Bill No. 1408 by Representative DeWitt

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through 6 in their entirety and insert the following:

"R.S. 40:1299.39.1(A)(1), (2)(b), and (3)(b) and (I)(4) and (5) and 1299.47(A)(1), (2)(b), and (3)(b) and (I)(2)(b) and (3) and to enact R.S. 40:1299.39.1(A)(3)(c) and (4) and (I)(6) and 1299.47(A)(3)(c) and (4) and (I)(4), relative to the state and private Medical Malpractice Acts; to provide relative to medical review panels; to provide for the inclusion of certain information in each request for a medical review panel; to provide for the payment of a filing fee; to provide for exceptions to and the waiver of the filing fee in certain circumstances; to provide that failure to pay the required fee shall invalidate the request for a medical review panel; to provide for the payment of the costs of the medical

review panel; to provide for the refund of the filing fee under certain conditions; and to provide for related matters."

AMENDMENT NO. 2

On page 1, delete lines 8 through 18 in their entirety and delete pages 2 through 6 in their entirety and insert the following:

"Section 1. R.S. 40:1299.39.1(A)(1), (2)(b), and (3)(b) and (I)(4) and (5), and 1299.47(A)(1), (2)(b), and (3)(b) and (I)(2)(b) and (3) are hereby amended and reenacted and R.S. 40:1299.39.1(A)(3)(c) and (4) and (I)(6) and 1299.47(A)(3)(c) and (4) and (I)(4) are hereby enacted to read as follows:

§1299.39.1. State medical review panel

A.(1)(a) All malpractice claims against the state, its agencies, or other persons covered by this Part, other than claims wherein the patients are prisoners and claims compromised or settled by the claimant and the division of administration with the concurrence of designated legal counsel for the state, shall be reviewed by a state medical review panel established as provided in this Section, to be administered by the commissioner of administration, hereinafter referred to as commissioner.

(b) A request for review of a malpractice claim or malpractice complaint shall contain, at a minimum, all of the following:

(i) A request for the formation of a medical review panel.

(ii) The name of the patient.

(iii) The names of the claimants.

(iv) The names of defendant state health care providers.

(v) The dates of the alleged malpractice.

(vi) A brief description of the alleged malpractice as to each named defendant state health care provider.

(vii) A brief description of alleged injuries.

(c) A claimant shall have forty-five days from the date of the mailing of the confirmation of receipt of the request for review in accordance with R.S. 40:1299.39.1(A)(3)(a) to pay to the commissioner a filing fee in the amount of one hundred dollars per named defendant state health care provider.

(d) Such filing fee may be waived only upon receipt by the division of administration of one of the following:

(i) An affidavit of a physician holding a valid and unrestricted license to practice his specialty in the state of his residence certifying that adequate medical records have been obtained and reviewed and that the allegations of malpractice against each defendant state health care provider named in the claim constitute a claim of a breach of the applicable standard of care as to each named defendant state health care provider.

(ii) An in forma pauperis ruling issued in accordance with Louisiana Code of Civil Procedure Article 5181 et seq. by a district court in a venue in which the malpractice claim could properly be brought upon the conclusion of the medical review panel process.

(e) Failure to comply with the provisions of Subparagraph (c) or (d) of this Paragraph within the specified time frame shall render the request for review of a malpractice claim invalid and without effect. Such an invalid request for review of a malpractice claim shall not

suspend the time within which suit must be instituted in R.S. 40:1299.39.1(A)(2)(a).

(f) All funds generated by such filing fees shall be applied to the costs of the division of administration incurred in the administration of claims.

(2)

* * *

(b) The request for review of the claim under this Section shall be deemed filed on the date of receipt of the complaint stamped and certified by the commissioner, or on the date of mailing of the complaint if mailed to the commissioner by certified or registered mail only upon timely compliance with the provisions of R.S. 40:1299.39.1(A)(1)(c) or (d).

* * *

(3) It shall be the duty of the commissioner, within thirty days of the receipt of the claim, to:

* * *

(b) In the confirmation to the claimant pursuant to R.S. 40:1299.39.1(A)(3)(a), notify the claimant of the amount of the filing fee due and the time frame within which such fee is due to the commissioner, and that upon failure to timely comply with the provisions of R.S. 40:1299.39.1(A)(1)(c) or (d) the request for review of a malpractice claim is invalid and without effect and that the request shall not suspend the time within which suit must be instituted in R.S. 40:1299.39.1(A)(2)(a).

~~(b)(c)~~ (c) Notify all named defendants, whether or not qualified under the provisions of this Part, that a filing has been made against them and request made for the formation of a state medical review panel; and forward a copy of the proposed complaint to each named defendant at his last and usual place of residence or his office and to the legal section and secretary of each agency named as a defendant. The notification shall request that each defendant who is a person covered by this Part present to the commissioner, within ninety days from the date of such notification, a certificate of employment or appointment or other evidence and proof sufficient to establish his qualification as a person covered by this Part.

(4) The commissioner shall notify the claimant and all named defendants of any of the following information:

(i) The date of receipt of the filing fee.

(ii) That no filing was due because the claimant timely provided the affidavit set forth in Item (A)(1)(d)(i) of this Section.

(iii) That the claimant has timely complied with the provisions of Item (A)(1)(d)(ii) of this Section.

(iv) That the required filing fee was not timely paid pursuant to Subparagraph (A)(1)(c) of this Section.

* * *

I.

* * *

(4) The claimant shall pay the costs of the state medical review panel if the opinion of the state medical review panel is in favor of the claimant. However, if the claimant is unable to pay, the claimant shall

swear under oath to the attorney chairman of the state medical review panel that the claimant cannot afford the costs of the state medical review panel as they accrue, then submit to the attorney chairman prior to the convening of the state medical review panel an in forma pauperis ruling issued in accordance with Louisiana Code of Civil Procedure Article 5181 et seq. by a district court in a venue in which the malpractice claim could properly be brought upon the conclusion of the state medical review panel process. Upon timely receipt of the in forma pauperis ruling, the costs of the state medical review panel shall be paid by the division of administration, with the proviso that if the claimant subsequently receives a settlement or receives a judgment, the advance payment of the state medical review panel costs shall be reimbursed by him to the state.

(5) If the state medical review panel decides that there is a material issue of fact bearing on liability for consideration by the court, the claimant and the state shall split the costs of the state medical review panel. However, in those instances in which the claimant is unable to pay his share of the costs of the state medical review panel, the claimant shall swear under oath to the attorney chairman of the state medical review panel that the claimant cannot pay his share of the costs of the state medical review panel as they accrue. The claimant's share of the costs of the state medical review panel shall then be paid by the state submit to the attorney chairman prior to the convening of the medical review panel an in forma pauperis ruling issued in accordance with Louisiana Code of Civil Procedure Article 5181 et seq. by a district court in a venue in which the malpractice claim could properly be brought upon the conclusion of the state medical review panel process. Upon timely receipt of the in forma pauperis ruling, the costs of the state medical review panel shall be paid by the state with the proviso that if the claimant subsequently receives a settlement or receives a judgment, the advance payment of the claimant's share of the costs of the state medical review panel shall be reimbursed by him to the state.

(6) Upon rendering of the written panel opinion, if any one of the panelists finds that the evidence supports the conclusion that a defendant state health care provider failed to comply with the appropriate standard of care as charged in the complaint, the division of administration on behalf of each defendant state health care provider as to whom such a determination was made shall reimburse to the claimant that portion of the filing fee applicable to the claim against such defendant state health care provider or if any one of the panelists finds that the evidence supports the conclusion that there is a material issue of fact, not requiring expert opinion, bearing on liability of such defendant state health care provider for consideration by the court, the division of administration on behalf of each such defendant state health care provider as to whom such a determination was made shall reimburse to the claimant fifty percent of that portion of the filing fee applicable to the claims against such defendant state health care provider.

* * *

§1299.47. Medical review panel

A.(1)(a) All malpractice claims against health care providers covered by this Part, other than claims validly agreed for submission to a lawfully binding arbitration procedure, shall be reviewed by a medical review panel established as hereinafter provided for in this Section.

(b) A request for review of a malpractice claim or a malpractice complaint shall contain, at a minimum, all of the following:

(i) A request for the formation of a medical review panel.

(ii) The name of the patient.

(iii) The names of the claimants.

(iv) The names of the defendant health care providers.

(v) The dates of the alleged malpractice.

(vi) A brief description of the alleged malpractice as to each named defendant health care provider.

(vii) A brief description of the alleged injuries.

(c) A claimant shall have forty-five days from the mailing date of the confirmation of receipt of the request for review in accordance with R.S. 40:1299.47(A)(3)(a) to pay to the board a filing fee in the amount of one hundred dollars per named defendant qualified under this Part.

(d) Such filing fee may be waived only upon receipt of one of the following:

(i) An affidavit of a physician holding a valid and unrestricted license to practice his specialty in the state of his residence certifying that adequate medical records have been obtained and reviewed and that the allegations of malpractice against each defendant health care provider named in the claim constitute a claim of a breach of the applicable standard of care as to each named defendant health care provider.

(ii) An in forma pauperis ruling issued in accordance with Louisiana Code of Civil Procedure Article 5181 et seq. by a district court in a venue in which the malpractice claim could properly be brought upon the conclusion of the medical review panel process.

(e) Failure to comply with the provisions of Subparagraph (A)(1)(c) or (d) of this Section within the specified time frame shall render the request for review of a malpractice claim invalid and without effect. Such an invalid request for review of a malpractice claim shall not suspend time within which suit must be instituted in R.S. 40:1299.47(A)(2)(a).

(f) All funds generated by such filing fees shall be private monies and shall be applied to the costs of the Patient's Compensation Fund Oversight Board incurred in the administration of claims.

(2)

* * *

(b) The request for review of a malpractice claim under this Section shall be deemed filed on the date of receipt of the request stamped and certified by the division of administration or on the date of mailing of the request if mailed to the division of administration by certified or registered mail only upon timely compliance with the provisions of Subparagraph (A)(1)(c) or (d) of this Section. Upon receipt of the request, the division of administration shall forward a copy of the request to the board within five days of receipt.

* * *

(3) It shall be the duty of the board within fifteen days of the receipt of the claim by the board to:

* * *

(b) In the confirmation to the claimant pursuant to R.S. 40:1299.47(A)(3)(a), notify the claimant of the amount of the filing fee due and the time frame within which such fee is due to the board, and that upon failure to comply with the provisions of Subparagraph (A)(1)(c) or (d), the request for review of a malpractice claim is invalid and without effect and that the request shall not suspend the time within which suit must be instituted in R.S. 40:1299.47(A)(2)(a).

(c) Notify all named defendants, whether or not qualified under the provisions of this Part, that a filing has been made against them and request made for the formation of a medical review panel; and forward a copy of the proposed complaint to each named defendant at his last and usual place of residence or his office.

(4) The board shall notify the claimant and all named defendants of any of the following information:

(i) The date of receipt of the filing fee.

(ii) That no filing was due because the claimant timely provided the affidavit set forth in Item (A)(1)(d)(i) of this Section.

(iii) That the claimant has timely complied with the provisions of Item (A)(1)(d)(ii) of this Section.

(iv) That the required filing fee was not timely paid pursuant to Subparagraph (A)(1)(c) of this Section.

* * *

I.

* * *

(2)

* * *

(b) The claimant shall pay the costs of the medical review panel if the opinion of the medical review panel is in favor of ~~said~~ the claimant. However, if the claimant is unable to pay, the claimant shall ~~swear under oath to the attorney chairman of the medical review panel that said claimant cannot afford the costs of the medical review panel as they accrued, then the costs of the medical review panel shall be paid by the health care provider submit to the attorney chairman prior to the convening of the medical review panel an in forma pauperis ruling issued in accordance with Louisiana Code of Civil Procedure Article 5181 et seq. by a district court in a venue in which the malpractice claim could properly be brought upon the conclusion of the medical review panel process. Upon timely receipt of the in forma pauperis ruling, the costs of the medical review panel shall be paid by the health care provider, with the proviso that if the claimant subsequently receives a settlement or receives a judgment, the advance payment of the medical review panel costs will be offset.~~

(3) If the medical review panel decides that there is a material issue of fact bearing on liability for consideration by the court, the claimant and the health care provider shall split the costs of the medical review panel. However, in those instances in which the claimant is unable to pay his share of the costs of the medical review panel, the claimant shall ~~swear under oath by the attorney chairman of the medical review panel that said claimant cannot pay his share of the costs of the medical review panel as they accrue. The claimant's share of the costs of the medical review panel shall then be paid by the health care provider submit to the attorney chairman prior to convening of the medical review panel an in forma pauperis ruling issued in accordance with Louisiana Code of Civil Procedure Article 5181 et seq. by a district court in a venue in which the malpractice claim could properly be brought upon the conclusion of the medical review panel process. Upon timely receipt of the in forma pauperis ruling, the costs of the medical review panel shall be paid by the health care provider with the proviso that if the claimant subsequently receives a settlement or receives a judgment, the advance payment of the claimant's share of the costs of the medical review panel will be offset.~~

(4) Upon the rendering of the written panel decision, if any one of the panelists finds that the evidence supports the conclusion that a

Page 28 HOUSE

40th Day's Proceedings - June 11, 2003

defendant health care provider failed to comply with the appropriate standard of care as charged in the complaint, each defendant health care provider as to whom such a determination was made shall reimburse to the claimant that portion of the filing fee applicable to the claim against such defendant health care provider or if any one of the panelists finds that the evidence supports the conclusion that there is a material issue of fact, not requiring expert opinion, bearing on liability of such defendant health care provider for consideration by the court, each such defendant health care provider as to whom such a determination was made shall reimburse to the claimant fifty percent of that portion of the filing fee applicable to the claim against such defendant health care provider.

* * *

Section 2.A. In the event that this Act and the Act which originated as House Bill No. 2014 of this 2003 Regular Session are both finally passed and enacted into law, the provisions of R.S. 40:1299.39.1(I)(4)(a) as enacted in House Bill No. 2014 shall be null and void and without effect, and the Louisiana State Law Institute is hereby directed to redesignate R.S. 40:1299.39.1(I)(4) as enacted by this Act as R.S. 40:1299.39.1(I)(4)(a), and to maintain the designation of R.S. 40:1299.39.1(I)(4)(b) as enacted by the Act which originated as House Bill No. 2014 of this 2003 Regular Session.

B. In the event that this Act and the Act which originated as House Bill No. 2014 of this 2003 Regular Session are both finally passed and enacted into law, the provisions of R.S. 40:1299.47(I)(2)(c) as enacted in House Bill No. 2014 shall be null and void and without effect, and the Louisiana State Law Institute is hereby directed to redesignate R.S. 40:1299.47(I)(2)(b) as enacted by House Bill No. 2014 as R.S. 40:1299.47(I)(2)(c)."

On motion of Rep. Johns, the amendments were adopted.

Rep. Johns moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Pierre
Alario	Green	Pinac
Alexander	Guillory	Pitre
Ansardi	Hammett	Powell
Arnold	Heaton	Quezaire
Baldone	Hebert	Richmond
Baudoin	Hill	Romero
Baylor	Honey	Salter
Beard	Hopkins	Scalise
Bowler	Hudson	Schneider
Bruce	Hutter	Schwegmann
Bruneau	Iles	Shaw
Capella	Jackson, L	Smith, G.—56th
Carter, K	Johns	Smith, J.D.—50th
Cazayoux	Katz	Smith, J.H.—8th
Crane	Kennard	Smith, J.R.—30th
Crowe	Kenney	Sneed
Curtis	LaFleur	Stelly
Damico	Lancaster	Strain
Daniel	Landrieu	Swilling
Dartez	LeBlanc	Thompson
Devillier	Lucas	Toomy
Diez	Martiny	Townsend
Downer	McDonald	Triche
Downs	McVea	Tucker

Durand	Montgomery	Waddell
Erdey	Morrell	Walker
Fannin	Morrish	Walsworth
Farrar	Murray	Welch
Faucheux	Nevers	Winston
Frith	Odinot	Wright
Futrell	Perkins	
Gallot	Peychaud	
Total—97		

NAYS

Flavin
Total—1

ABSENT

Broome	Fruge	Wooton
Carter, R	Hunter	
Doerge	Jackson, M	
Total—7		

The Chair declared the above bill, having received a two-thirds vote of the elected members, was finally passed.

The title of the above bill was read and adopted.

Rep. Johns moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 1974—

BY REPRESENTATIVE HAMMETT
AN ACT

To enact Chapter 45 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2751 through 2760, relative to economic development; to create the Louisiana Retention and Modernization Program; to provide for incentive rebates to certain businesses to remain in Louisiana which are at high risk for relocation to another state; to provide incentive rebates to certain businesses which modernize their existing operations in this state; to provide for criminal penalties; to provide for rules and regulations; to provide for definitions; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. LeBlanc sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LeBlanc to Engrossed House Bill No. 1974 by Representative Hammett

AMENDMENT NO. 1

On page 10, delete line 12 and at the beginning of line 13, delete "Industry, or its successor."

AMENDMENT NO. 2

On page 10, at the beginning of line 15, delete "years," and insert: "years, but only upon the approval of the governor and the Board of Commerce and Industry, or its successor, and after such approvals, the approval of the Joint Legislative Committee on the Budget,"

On motion of Rep. LeBlanc, the amendments were adopted.

Rep. Hammett moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Odinet
Alario	Futrell	Perkins
Alexander	Gallot	Peychaud
Ansardi	Glover	Pierre
Arnold	Guillory	Pinac
Baldone	Hammett	Pitre
Baylor	Heaton	Powell
Beard	Hebert	Richmond
Bowler	Hill	Romero
Bruce	Honey	Salter
Bruneau	Hopkins	Schneider
Capella	Hudson	Schwegmann
Carter, K	Hunter	Shaw
Carter, R	Hutter	Smith, G.—56th
Cazayoux	Iles	Smith, J.D.—50th
Crane	Jackson, L	Smith, J.H.—8th
Crowe	Johns	Smith, J.R.—30th
Curtis	Katz	Sneed
Damico	Kennard	Strain
Daniel	Kenney	Swilling
Dartez	LaFleur	Thompson
Devillier	Lancaster	Toomy
Diez	Landrieu	Townsend
Downer	LeBlanc	Triche
Downs	Lucas	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Total—96		

NAYS

Total—0

ABSENT

Baudoin	Green	Quezaire
Broome	Jackson, M	Scalise
Doerge	Martiny	Stelly
Total—9		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Rep. Hammett moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

HOUSE BILL NO. 2000—

BY REPRESENTATIVE ODINET

AN ACT

To enact R.S. 22:1404(7), relative to homeowners insurance rates; to provide for limitations; to provide for contiguous parishes; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Odinet moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Guillory	Odinet
Alario	Hammett	Peychaud
Ansardi	Heaton	Pierre
Arnold	Hebert	Pinac
Baldone	Hill	Pitre
Baudoin	Honey	Quezaire
Baylor	Hopkins	Richmond
Broome	Hudson	Salter
Bruce	Hunter	Schwegmann
Carter, K	Hutter	Smith, G.—56th
Carter, R	Iles	Smith, J.D.—50th
Curtis	Jackson, L	Smith, J.H.—8th
Damico	Kenney	Strain
Dartez	LaFleur	Swilling
De villier	Landrieu	Thompson
Downer	LeBlanc	Townsend
Durand	Lucas	Triche
Farrar	McDonald	Waddell
Faucheux	Montgomery	Welch
Gallot	Morrell	Wooton
Green	Murray	Wright
Total—63		

NAYS

Alexander	Fruge	Powell
Beard	Futrell	Scalise
Bowler	Johns	Schneider
Bruneau	Katz	Shaw
Crane	Kennard	Smith, J.R.—30th
Crowe	Lancaster	Stelly
Diez	Martiny	Toomy
Downs	McVea	Tucker
Erdey	Morrish	Walker
Fannin	Nevers	Winston
Flavin	Perkins	
Total—32		

ABSENT

Capella	Frith	Sneed
Cazayoux	Glover	Walsworth
Daniel	Jackson, M	
Doerge	Romero	
Total—10		

The Chair declared the above bill was finally passed.

The title of the above bill was read and adopted.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

Regular Calendar

Page 30 HOUSE

40th Day's Proceedings - June 11, 2003

SENATE BILL NO. 818—

BY SENATOR B. JONES (On Recommendation of the La State Law Institute)

AN ACT

To amend and reenact Code of Civil Procedure Arts. 42(5), 561(A), 932, 933, 934, 967, 1201(A), 1424, 1425, 1436.1, 1443, 1455, 1914, and 3295, and Children's Code Art.332, relative to the continuous revision of the Code of Civil Procedure; to provide venue for actions against certain foreign corporations, limited liability companies, and non-residents; to provide for abandonment of actions; to provide for the effect of sustaining declinatory, dilatory, and peremptory exceptions; to provide for citation and delay; to provide for giving in payment; to provide for experts, discovery and depositions; to provide for affidavits of experts in summary judgments; to remove restrictions on discovery of testifying expert witnesses; to allow a court to order a deposition by phone over objection of one or more parties; to provide deposition procedure; to provide for notice of judgment in the Children's Code and reference therein to the Code of Civil Procedure; and, to provide for related matters.

Read by title.

Rep. Ansardi sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Ansardi to Reengrossed Senate Bill No. 818 by Senator B. Jones

AMENDMENT NO. 1

On page 10, line 19, after "known by" and before "opinions" change the comma ",", to "and"

AMENDMENT NO. 2

On page 10, line 19, after "held by" delete the comma ",", and delete "and writings of"

On motion of Rep. Ansardi, the amendments were adopted.

Rep. Gallot moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Perkins
Alario	Glover	Peychaud
Alexander	Green	Pierre
Ansardi	Guillory	Pinac
Arnold	Hammett	Pitre
Baldone	Heaton	Powell
Baudoin	Hebert	Quezaire
Baylor	Hill	Richmond
Beard	Honey	Romero
Bowler	Hopkins	Salter
Broome	Hudson	Scalise
Bruce	Hunter	Schneider
Bruneau	Hutter	Schwegmann
Carter, K	Iles	Shaw
Carter, R	Jackson, L	Smith, G.—56th
Cazayoux	Jackson, M	Smith, J.D.—50th
Crane	Johns	Smith, J.H.—8th
Crowe	Katz	Smith, J.R.—30th

Damico
Daniel
Dartez
Devillier
Diez
Downer
Downs
Durand
Erdey
Fannin
Farrar
Faucheux
Flavin
Frith
Fruge
Futrell

Total—100

Kennard
Kenney
LaFleur
Lancaster
Landrieu
LeBlanc
Lucas
Martiny
McDonald
McVea
Montgomery
Morrell
Morrish
Murray
Nevers
Odinot

Sneed
Stelly
Strain
Swilling
Thompson
Toomy
Townsend
Triche
Waddell
Walker
Welch
Winston
Wooton
Wright

NAYS

Total—0

ABSENT

Capella
Curtis
Total—5

Doerge
Tucker

Walsworth

The Chair declared the above bill was finally passed.

Rep. Gallot moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 855—

BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 9:315(C)(4)(a), relative to the determination of child support; to provide for a gift to be included when determining gross income for the purposes of child support; and to provide for related matters.

Read by title.

Rep. Bowler sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Bowler to Reengrossed Senate Bill No. 855 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 2, after "9:315(C)(4)(a)" and before the comma ",", insert "and to enact R.S. 9:315(C)(4)(d)(iv)"

AMENDMENT NO. 2

On page 1, line 4, after the semicolon ";" and before "and" insert "to provide exceptions;"

AMENDMENT NO. 3

On page 1, line 7, after "reenacted" and before "to" insert "and R.S. 9:315(C)(4)(d)(iv) is hereby enacted"

AMENDMENT NO. 4

On page 2, after line 5, insert the following:

"(d) As used herein, "gross income" does not include:

* * *

(iv) Monetary gifts to the domiciliary party when the objective of the gift is to supplement irregular child support payments from the nondomiciliary party.

* * *

On motion of Rep. Bowler, the amendments were withdrawn.

Motion

On motion of Rep. Bowler, the bill was returned to the calendar.

SENATE BILL NO. 860—

BY SENATORS DARDENNE AND SCHEDLER

AN ACT

To amend and reenact Civil Code Art. 1499, relative to the usufruct of a surviving spouse; to provide that security shall not be required in certain cases; to provide for exceptions; and to provide for related matters.

Read by title.

Rep. Futrell moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Nevers
Alario	Futrell	Odinot
Alexander	Gallot	Perkins
Ansardi	Glover	Psychaud
Arnold	Green	Pinac
Baldone	Guillory	Pitre
Baudoin	Hammett	Powell
Baylor	Heaton	Quezaire
Beard	Hebert	Richmond
Bowler	Hill	Romero
Broome	Honey	Scalise
Bruce	Hopkins	Schneider
Bruneau	Hudson	Schwegmann
Capella	Hunter	Shaw
Carter, K	Hutter	Smith, G.—56th
Carter, R	Iles	Smith, J.D.—50th
Cazayoux	Jackson, L	Smith, J.H.—8th
Crane	Jackson, M	Smith, J.R.—30th
Crowe	Johns	Sneed
Curtis	Kennard	Strain
Damico	Kenney	Swilling
Daniel	LaFleur	Thompson
Dartez	Landrieu	Townsend
Diez	LeBlanc	Triche
Downer	Lucas	Tucker
Durand	Martiny	Walker
Erdey	McDonald	Walsworth
Fannin	McVea	Welch
Farrar	Montgomery	Winston
Faucheux	Morrell	Wooton
Flavin	Morrish	Wright
Frith	Murray	
Total—95		

NAYS

Total—0

ABSENT

Devallier	Lancaster	Toomy
Doerge	Pierre	Waddell
Downs	Salter	
Katz	Stelly	
Total—10		

The Chair declared the above bill was finally passed.

Rep. Futrell moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 886—

BY SENATOR HOYT

AN ACT

To amend and reenact R.S. 9:3541.22(A), relative to home solicitation loan; to prohibit the home solicitation of any person where the loan encumbers the primary residence of the consumer for purposes of home improvements; and to provide for related matters.

Read by title.

Rep. Durand moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Psychaud
Alario	Glover	Pierre
Alexander	Green	Pinac
Ansardi	Guillory	Pitre
Arnold	Hammett	Powell
Baldone	Heaton	Quezaire
Baudoin	Hebert	Richmond
Broome	Hill	Romero
Bruce	Honey	Salter
Bruneau	Hudson	Scalise
Capella	Hunter	Schneider
Carter, K	Hutter	Schwegmann
Carter, R	Iles	Shaw
Cazayoux	Jackson, L	Smith, G.—56th
Crane	Jackson, M	Smith, J.D.—50th
Crowe	Johns	Smith, J.H.—8th
Curtis	Katz	Smith, J.R.—30th
Damico	Kennard	Sneed
Dartez	Kenney	Stelly
Devallier	LaFleur	Strain
Diez	Landrieu	Swilling
Downer	LeBlanc	Thompson
Downs	Lucas	Toomy
Durand	Martiny	Townsend
Fannin	McDonald	Waddell
Farrar	McVea	Walker
Faucheux	Montgomery	Welch
Flavin	Morrell	Winston
Frith	Morrish	Wooton
Frige	Murray	Wright
Futrell	Odinot	
Total—92		

NAYS

Bowler	Lancaster	Perkins
Hopkins	Nevers	Walsworth

Page 32 HOUSE

40th Day's Proceedings - June 11, 2003

Total—6

ABSENT

Baylor	Doerge	Tucker
Beard	Erdey	
Daniel	Triche	
Total—7		

The Chair declared the above bill was finally passed.

Rep. Durand moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 888—

BY SENATORS DARDENNE, HOLLIS AND JOHNSON
AN ACT

To enact Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3025 through 3031, relative to economic development; to create the "Louisiana Major Projects Development Authority"; to provide for the composition of the board of directors of the authority; to provide for powers and duties of the authority; and to provide for related matters.

Read by title.

Rep. Pinac moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Peychaud
Alexander	Glover	Pinac
Arnold	Green	Pitre
Baldone	Guillory	Powell
Baudoin	Hammett	Quezaire
Beard	Heaton	Richmond
Bowler	Hebert	Romero
Broome	Hill	Salter
Bruce	Hopkins	Scalise
Bruneau	Hudson	Schneider
Capella	Hunter	Schwegmann
Carter, K	Hutter	Shaw
Carter, R	Iles	Smith, G.—56th
Cazayoux	Jackson, L	Smith, J.D.—50th
Crane	Jackson, M	Smith, J.H.—8th
Crowe	Johns	Smith, J.R.—30th
Curtis	Katz	Sneed
Damico	Kennard	Stelly
Daniel	Kenney	Strain
Dartez	LaFleur	Thompson
Devillier	Lancaster	Toomy
Diez	Landrieu	Townsend
Downer	LeBlanc	Triche
Downs	Lucas	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Fruge	Odinet	
Total—98		

NAYS

Total—0

ABSENT

Ansardi	Honey	Swilling
Baylor	Martiny	
Doerge	Pierre	
Total—7		

The Chair declared the above bill was finally passed.

Rep. Pinac moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 895—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 51:924(A), relative to economic development; to provide for membership of the State Board of Commerce and Industry; to provide for terms of office; and to provide for related matters.

Read by title.

Rep. Pinac sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Pinac to Engrossed Senate Bill No. 895 by Senator Hollis

AMENDMENT NO. 1

On page 2, between lines 17 and 18, insert the following:

"(5) Any board member, who in the discharge of a duty or responsibility of his office or position would be required to vote on a matter which would cause him to be in violation of the Code of Governmental Ethics, shall recuse himself from voting. No member of the board who complies with the recusal provisions contained in this Paragraph shall be deemed to have violated the Code of Governmental Ethics."

On motion of Rep. Pinac, the amendments were adopted.

Rep. Scalise moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Peychaud
Alexander	Glover	Pierre
Arnold	Green	Pinac
Baldone	Guillory	Pitre
Baudoin	Hammett	Powell
Baylor	Heaton	Quezaire
Beard	Hebert	Richmond
Bowler	Hill	Romero
Broome	Honey	Salter
Bruce	Hopkins	Scalise
Bruneau	Hudson	Schneider
Capella	Hunter	Schwegmann
Carter, K	Hutter	Shaw
Carter, R	Iles	Smith, G.—56th

Cazayoux	Jackson, L	Smith, J.D.—50th
Crane	Jackson, M	Smith, J.H.—8th
Crowe	Johns	Smith, J.R.—30th
Curtis	Katz	Sneed
Damico	Kennard	Stelly
Daniel	Kenney	Strain
Dartez	LaFleur	Swilling
Devillier	Lancaster	Thompson
Diez	Landrieu	Toomy
Downer	LeBlanc	Townsend
Downs	Lucas	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Fannin	Montgomery	Walker
Farrar	Morrell	Walsworth
Faucheux	Morrish	Welch
Flavin	Murray	Winston
Frith	Nevers	Wooton
Fruge	Odinet	Wright
Total—102		

NAYS

Total—0

ABSENT

Ansardi	Doerge	Martiny
Total—3		

The Chair declared the above bill was finally passed.

Rep. Scalise moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 896—

BY SENATORS HOLLIS AND IRONS

AN ACT

To amend and reenact R.S. 36:107(A), 109(J), and 913(B), R.S. 43:111(A)(7), R.S. 47:1125(C) and 6007(B)(5), (D)(1) and (3), and (E), and R.S. 51:938.1(A), (H)(introductory paragraph) and (1), (I), (J)(introductory paragraph), (1), (2), (3)(introductory paragraph), (c), and (d), (6), (7), and (8), and (K), to enact R.S. 51:938.1(H)(3) and (J)(1)(e), and to repeal R.S. 36:108(B)(20) and R.S. 51:938.1(B) through (G), relative to economic development; to provide relative to the Department of Economic Development; to provide for assistant secretaries and duties of offices; to provide for the transfer of certain entities; to provide for advertising; to provide relative to tax relief for motion picture production companies; to provide relative to tax credits for investments in certain productions; to create the governor's office of film and television development; to provide for the office's duties, staff, and authority; and to provide for related matters.

Read by title.

Rep. Scalise moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Pierre
Alario	Glover	Pinac
Arnold	Green	Pitre
Baldone	Guillory	Powell
Baudoin	Hammett	Quezaire
Baylor	Heaton	Richmond

Beard	Hebert	Romero
Bowler	Hill	Salter
Broome	Honey	Scalise
Bruce	Hopkins	Schneider
Bruneau	Hudson	Schwegmann
Capella	Hunter	Shaw
Carter, K	Hutter	Smith, G.—56th
Carter, R	Iles	Smith, J.D.—50th
Cazayoux	Jackson, L	Smith, J.H.—8th
Crane	Jackson, M	Smith, J.R.—30th
Crowe	Johns	Sneed
Curtis	Katz	Stelly
Damico	Kennard	Strain
Daniel	Kenney	Swilling
Dartez	LaFleur	Thompson
Devillier	Lancaster	Toomy
Diez	LeBlanc	Townsend
Downer	Lucas	Triche
Downs	McDonald	Tucker
Durand	McVea	Waddell
Erdey	Montgomery	Walker
Fannin	Morrell	Walsworth
Farrar	Morrish	Welch
Faucheux	Murray	Winston
Flavin	Nevers	Wooton
Frith	Odinet	Wright
Fruge	Perkins	
Futrell	Psychaud	
Total—100		

NAYS

Total—0

ABSENT

Alexander	Doerge	Martiny
Ansardi	Landrieu	
Total—5		

The Chair declared the above bill was finally passed.

Rep. Scalise moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 897—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 51:2311(A)(1) and (2)(a), (b), and (i), (B), (D), and (E) and to repeal R.S. 51:2311(A)(2)(j), relative to economic development; to provide relative to the Louisiana Economic Development Corporation board of directors; to provide for the secretary of the Department of Economic Development; to provide for board appointees; to provide for a quorum of the board; and to provide for related matters.

Read by title.

Rep. Scalise moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Psychaud
Alexander	Glover	Pierre
Arnold	Green	Pinac

Page 34 HOUSE

40th Day's Proceedings - June 11, 2003

Baldone	Guillory	Pitre
Baudoin	Hammett	Powell
Baylor	Heaton	Quezaire
Beard	Hebert	Richmond
Bowler	Hill	Romero
Broome	Honey	Salter
Bruce	Hopkins	Scalise
Bruneau	Hudson	Schneider
Capella	Hunter	Schwegmann
Carter, K	Hutter	Shaw
Carter, R	Iles	Smith, G.—56th
Cazayoux	Jackson, L	Smith, J.D.—50th
Crane	Jackson, M	Smith, J.H.—8th
Crowe	Johns	Smith, J.R.—30th
Curtis	Katz	Sneed
Damico	Kennard	Stelly
Daniel	Kenney	Strain
Dartez	LaFleur	Swilling
Devillier	Lancaster	Thompson
Diez	Landrieu	Toomy
Downer	LeBlanc	Townsend
Downs	Lucas	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Fannin	Montgomery	Walker
Farrar	Morrell	Walsworth
Faucheux	Morrish	Welch
Flavin	Murray	Winston
Frith	Nevers	Wooton
Fruge	Odinet	Wright
Total—102		

NAYS

Total—0

ABSENT

Ansardi	Doerge	Martiny
Total—3		

The Chair declared the above bill was finally passed.

Rep. Scalise moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 917— BY SENATOR MALONE

AN ACT

To amend and reenact R.S. 45:162(2) and 164(C), relative to motor carriers; to provide relative to definitions; to exempt certain carriers from proving public convenience and necessity; and to provide for related matters.

Read by title.

Rep. Thompson sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Dewitt and Thompson to Engrossed Senate Bill No. 917 by Senator Malone

AMENDMENT NO. 1

On page 2, line 3, after "production," insert "and non-hazardous industrial solid waste,"

AMENDMENT NO. 2

On page 2, line 9, after "limousine services," insert "motor carriers transporting non-hazardous industrial solid waste."

On motion of Rep. Thompson, the amendments were adopted.

Rep. Shaw moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Odinet
Alario	Glover	Perkins
Alexander	Green	Pierre
Arnold	Guillory	Pinac
Baldone	Hammett	Pitre
Baylor	Heaton	Powell
Beard	Hebert	Quezaire
Bowler	Hill	Richmond
Broome	Honey	Romero
Bruce	Hopkins	Salter
Bruneau	Hudson	Scalise
Capella	Hunter	Schneider
Carter, K	Hutter	Schwegmann
Cazayoux	Iles	Shaw
Crane	Jackson, L	Smith, G.—56th
Crowe	Jackson, M	Smith, J.D.—50th
Curtis	Johns	Smith, J.H.—8th
Damico	Katz	Smith, J.R.—30th
Daniel	Kennard	Sneed
Dartez	Kenney	Stelly
Devillier	LaFleur	Swilling
Diez	Lancaster	Thompson
Downer	Landrieu	Toomy
Downs	LeBlanc	Townsend
Durand	Lucas	Triche
Erdey	McDonald	Tucker
Fannin	McVea	Waddell
Farrar	Montgomery	Walker
Faucheux	Morrell	Walsworth
Frith	Morrish	Winston
Fruge	Murray	Wooton
Futrell	Nevers	Wright
Total—96		

NAYS

Baudoin	Flavin
Total—2	

ABSENT

Ansardi	Martiny	Welch
Carter, R	Psychaud	
Doerge	Strain	
Total—7		

The Chair declared the above bill was finally passed.

Rep. Shaw moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 923— BY SENATOR HOYT

AN ACT

To amend and reenact Civil Code Arts. 2036 and 2037 and to enact Chapter 7 of Code Title IV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:2790.1 through 2790.12, all relative to obligations; to provide

for the Uniform Fraudulent Transfer Act; to provide for definitions; to provide that certain transfers are fraudulent; to provide for remedies of creditors; to provide for defenses, liability and protection of a transferee; to provide for extinguishment of a cause of action; and to provide for related matters.

Read by title.

Rep. Walker moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Odinot
Alario	Futrell	Perkins
Alexander	Gallot	Pierre
Ansardi	Glover	Pinac
Arnold	Green	Pitre
Baldone	Guillory	Powell
Baudoin	Hammatt	Quezaire
Baylor	Heaton	Richmond
Beard	Hebert	Romero
Bowler	Hill	Salter
Broome	Honey	Scalise
Bruce	Hopkins	Schneider
Bruneau	Hudson	Schwegmann
Capella	Hutter	Shaw
Carter, K	Iles	Smith, G.—56th
Carter, R	Jackson, L	Smith, J.D.—50th
Cazayoux	Jackson, M	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Crowe	Katz	Sneed
Curtis	Kennard	Stelly
Damico	Kenney	Strain
Daniel	LaFleur	Swilling
Dartez	Lancaster	Thompson
Devillier	Landrieu	Toomy
Diez	LeBlanc	Townsend
Downer	Lucas	Triche
Downs	Martiny	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	Winston
Faucheux	Morrish	Wooton
Flavin	Murray	Wright
Frith	Nevers	
Total—101		

NAYS

Total—0

ABSENT

Doerge	Psychaud
Hunter	Welch
Total—4	

The Chair declared the above bill was finally passed.

Rep. Walker moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 967—

BY SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 51:943, to enact R.S. 36:4.1(D)(17), and to repeal R.S. 36:109(D)(2), relative to the Small and Emerging Business Development Advisory Council; to change the name to the Small Business Entrepreneurship Commission; to provide for additional members of the commission; to provide for revised and additional functions of the commission; and to provide for related matters.

Read by title.

Rep. Pinac sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Pinac to Reengrossed Senate Bill No. 967 by Senator Johnson

AMENDMENT NO. 1

On page 2, line 20, after "industry," and before "and" insert "at least one with experience in seed or early stage capital financing."

AMENDMENT NO. 2

On page 3, between lines 9 and 10, insert "(8) The commissioner of the Board of Regents or his designee."

AMENDMENT NO. 3

On page 4, line 10, after "business" and before the semi-colon ";" insert "and entrepreneurship"

AMENDMENT NO. 4

On page 4, delete lines 14 through 19 and insert "(SEBD)."

AMENDMENT NO. 5

On page 4, at the beginning of line 20, change "(d)" to "(b)"

AMENDMENT NO. 6

On page 4, line 20, between "assistance" and "programs" insert "and financing"

AMENDMENT NO. 7

On page 4, line 21, after "(LEDC)" delete the remainder of the line, insert a period "." and delete lines 22 through 25

AMENDMENT NO. 8

On page 4, at the beginning of line 26, change "(e)" to "(c)"

AMENDMENT NO. 9

On page 5, line 1, after "including," and before "the" insert "but not limited to"

AMENDMENT NO. 10

On page 5, line 4, after "program," and before "and" insert "research and development tax credit, technology commercialization tax credit,"

AMENDMENT NO. 11

Page 36 HOUSE

40th Day's Proceedings - June 11, 2003

On page 5, line 20, after "training" and before the period "." insert "related to small business and entrepreneurship"

AMENDMENT NO. 12

On page 5, between lines 20 and 21, insert "(i) Research and technology parks and incubators."

AMENDMENT NO. 13

On page 6, line 10, after "develop" and before "a" insert "and recommend"

Rep. Bruneau asked for and obtained a division of the question.

On motion of Rep. Pinac, Amendment Nos. 1 through 10 and 14 through 16 were adopted.

Rep. Pinac moved adoption of Amendment Nos. 11, 12, and 13.

Rep. Bruneau objected.

By a vote of 40 yeas and 61 nays, the amendments were rejected.

Motion

On motion of Rep. Pinac, the bill, as amended, was returned to the calendar.

SENATE BILL NO. 973—

BY SENATORS BOISSIERE, BAOJIE AND IRONS AND REPRESENTATIVE MURRAY

AN ACT

To enact R.S. 48:1655(A)(1)(c), relative to the Regional Transit Authority; to provide for appointments to the board of commissioners; to allow the chief executive officer of the parish with the greatest percentage of public transit revenue to make certain appointments; to allow for legislative input in such appointments; to provide a time frame for such input; and to provide for related matters.

Read by title.

Rep. Murray moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Fruge	Perkins
Alario	Futrell	Peychaud
Alexander	Gallot	Pierre
Ansardi	Glover	Pinac
Arnold	Green	Pitre
Baldone	Guillory	Powell
Baudoin	Hammett	Quezaire
Baylor	Heaton	Richmond
Beard	Hebert	Romero
Bowler	Hill	Salter
Broome	Honey	Scalise
Bruce	Hopkins	Schneider
Bruneau	Hudson	Schwegmann
Capella	Hunter	Shaw
Carter, K	Hutter	Smith, G.—56th
Carter, R	Iles	Smith, J.D.—50th
Cazayoux	Jackson, L	Smith, J.R.—30th
Crane	Jackson, M	Sneed

Crowe	Johns	Stelly
Curtis	Katz	Strain
Damico	Kennard	Swilling
Daniel	Kenney	Thompson
Dartez	LaFleur	Toomy
Devillier	Landrieu	Townsend
Diez	LeBlanc	Triche
Downer	Lucas	Tucker
Downs	McDonald	Waddell
Durand	McVea	Walker
Erdey	Montgomery	Walsworth
Fannin	Morrell	Welch
Farrar	Morrish	Winston
Faucheux	Murray	Wooton
Flavin	Nevers	Wright
Frith	Odinot	

Total—101

NAYS

Total—0

ABSENT

Doerge	Martiny
Lancaster	Smith, J.H.—8th
Total—4	

The Chair declared the above bill was finally passed.

Rep. Murray moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 989—

BY SENATOR HINES

AN ACT

To amend and reenact R.S. 40:1299.39.1(A)(1), (2)(b), and 3 and (I)(4) and (5) and 1299.47 (A)(1), (2)(b) and (c), and (3) and (I)(2) and (3) and to enact R.S. 40:1299.39.1(I)(6) and 1299.47(A)(2)(d) and (I)(4), relative to the medical review panel; to provide that each request include specific and particularized allegations of malpractice as to each named defendant health care provider; to require that the claimant pay a filing fee per named defendant which shall be waived in certain conditions; to provide that failure to pay the required fee shall invalidate the request for a medical review panel; to provide for payment of the medical review panel costs; to provide for refund of the filing fee under certain conditions; and to provide for related matters.

Read by title.

Motion

On motion of Rep. LaFleur, the bill was returned to the calendar.

SENATE BILL NO. 1025—

BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 39:99.12(A), relative to the sale of tobacco assets; to provide for the sale of certain assets; and to provide for related matters.

Read by title.

Rep. Tucker sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Tucker to Reengrossed Senate Bill No. 1025 by Senator Dardenne

AMENDMENT NO. 1

On page 2, line 10, after "Commission" delete the remainder of the line and delete lines 11 through 23 in their entirety and insert the following:

"shall declare its intent by granting preliminary approval and authorization to sell or convey up to one hundred percent of the state allocation to the corporation, in one or more series. Said declaration shall first be approved by the Joint Legislative Committee on the Budget and, if approved by the legislative committee, shall then be approved by a majority of the legislature if the legislature is in session. However, if the legislature is not in session, approval shall be granted by mail ballot. Upon approval of the legislature, the State Bond Commission shall commence with the sale as determined by the rules of the State Bond Commission. Net proceeds, after financing costs, of one or more issues of tobacco bonds and the residual interest to be paid shall be transferred pursuant to the provisions of this Subpart. Immediately upon closing of the sale or sales, the state treasurer shall report to the legislature the final terms and conditions of said sale or sales."

On motion of Rep. Tucker, the amendments were adopted.

Rep. LeBlanc moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Odinot
Alario	Gallot	Perkins
Alexander	Glover	Peychaud
Ansardi	Green	Pinac
Arnold	Guillory	Pitre
Baldone	Hammett	Powell
Baylor	Heaton	Quezaire
Beard	Hebert	Richmond
Bowler	Hill	Romero
Broome	Honey	Salter
Bruce	Hopkins	Scalise
Bruneau	Hudson	Schneider
Capella	Hunter	Schwegmann
Carter, K	Hutter	Shaw
Carter, R	Iles	Smith, G.—56th
Cazayoux	Jackson, L	Smith, J.D.—50th
Crane	Jackson, M	Smith, J.H.—8th
Crowe	Johns	Smith, J.R.—30th
Curtis	Katz	Sneed
Damico	Kennard	Stelly
Daniel	Kenney	Strain
Dartez	LaFleur	Swilling
Devillier	Lancaster	Thompson
Diez	Landrieu	Toomy
Downer	LeBlanc	Townsend
Downs	Lucas	Triche
Durand	Martiny	Tucker
Erdey	McDonald	Waddell
Fannin	McVea	Walker
Farrar	Montgomery	Walsworth
Faucheux	Morrell	Welch
Flavin	Morrish	Winston
Frith	Murray	Wooton
Fruge	Nevers	Wright
Total—102		

NAYS

Total—0

ABSENT

Baudoin	Doerge	Pierre
Total—3		

The Chair declared the above bill was finally passed.

Rep. LeBlanc moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 1046—

BY SENATOR B. JONES

AN ACT

To enact Part III-F of Title 19 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 19:135 through 135.7, relative to expropriation; to authorize expropriation of property by a declaration of taking by municipalities with a population between twenty thousand five hundred twenty-five and twenty thousand five hundred fifty; to provide for definitions; to provide for the contents and place of filing of the petition; to provide for the prayer of the petition and for an ex parte order of deposit of estimated compensation; to provide for vesting of title; to provide for notice to the owner of the property; to provide for contesting the validity of the expropriation and for waiver of defenses; to provide for the answer by the owner; and to provide for related matters.

Read by title.

Rep. Hammett sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hammett to Engrossed Senate Bill No. 1046 by Senator B. Jones

AMENDMENT NO. 1

On page 1, line 6, after "fifty" and before the semicolon ";," insert the following:

"and by municipalities and parishes with ongoing Community Development Block Grants projects relating to health and safety"

AMENDMENT NO. 2

On page 2, at the end of line 6, insert the following:

"AND BY MUNICIPALITIES AND PARISHES WITH ONGOING COMMUNITY DEVELOPMENT BLOCK GRANTS PROJECTS RELATING TO HEALTH AND SAFETY"

AMENDMENT NO. 3

On page 2, line 17, after "census" and before the period "." insert the following:

"and by municipalities and parishes with ongoing Community Development Block Grants projects relating to health and safety"

On motion of Rep. Hammett, the amendments were adopted.

Rep. Lydia Jackson sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Page 38 HOUSE

40th Day's Proceedings - June 11, 2003

Amendments proposed by Representative Montgomery to Engrossed Senate Bill No. 1046 by Senator B. Jones

AMENDMENT NO. 1

On page 1, line 2 between "To" and "enact" insert "amend and reenact R.S. 19:121 and to"

AMENDMENT NO. 2

On page 1, at the end of line 3, insert "redefine property subject to expropriation by the cities of Bossier City and Shreveport; to"

AMENDMENT NO. 3

On page 1, line 12, after "owner;" and before "and" insert "to direct the Louisiana State Law Institute to appropriately rename the Part heading;"

AMENDMENT NO. 4

On page 1, between lines 13 and 14, insert the following:

"Notice of intention to introduce Section 1 of this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana."

AMENDMENT NO. 5

On page 1, between lines 14 and 15, insert the following:

"Section 1. R.S. 19:121 is hereby amended and reenacted to read as follows:

§121. Property defined

As used in this Part, the term "property" means any portion of immovable property, including servitudes and other rights in or to immovable property, ~~where there are no buildings or structures for support or shelter.~~"

AMENDMENT NO. 6

On page 1, at the beginning of line 15, change "Section 1." to "Section 2."

AMENDMENT NO. 7

On page 6, between lines 16 and 17, insert the following:

"Section 3. The Louisiana State Law Institute is hereby authorized and directed to amend the title of Part III-A of Title 19 of the Louisiana Revised Statutes of 1950 to read as follows: "PART III-A. EXPROPRIATION OF PROPERTY BY A DECLARATION OF TAKING BY THE CITIES OF BOSSIER CITY AND SHREVEPORT"."

AMENDMENT NO. 8

On page 6, at the beginning of line 17, change "Section 2." to "Section 4." and between "provisions" and "of" insert "of Section 2"

On motion of Rep. Lydia Jackson, the amendments were adopted.

Rep. Gallot moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Murray
Alario	Glover	Odinot
Ansardi	Green	Peychaud
Arnold	Guillory	Pierre
Baldone	Hammett	Pinac
Baylor	Heaton	Pitre
Broome	Hebert	Powell
Bruce	Honey	Quezaire
Bruneau	Hudson	Richmond
Capella	Hunter	Romero
Carter, K	Hutter	Salter
Cazayoux	Iles	Schwegmann
Crane	Jackson, L	Shaw
Curtis	Jackson, M	Smith, G.—56th
Damico	Johns	Smith, J.D.—50th
Daniel	Katz	Smith, J.H.—8th
Dartez	Kennard	Smith, J.R.—30th
Devillier	Kenney	Sneed
Diez	LaFleur	Stelly
Downer	Lancaster	Strain
Downs	Landrieu	Thompson
Durand	LeBlanc	Townsend
Erdey	Lucas	Triche
Fannin	Martiny	Walker
Farrar	McDonald	Welch
Faucheux	Montgomery	Winston
Flavin	Morrell	Wooton
Frith	Morrish	
Total—83		

NAYS

Alexander	Hill	Schneider
Baudoin	Hopkins	Toomy
Bowler	McVea	Tucker
Crowe	Nevers	Waddell
Fruge	Perkins	Walsworth
Futrell	Scalise	Wright
Total—18		

ABSENT

Beard	Doerge
Carter, R	Swilling
Total—4	

The Chair declared the above bill was finally passed.

Rep. Gallot moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Baudoin, and under a suspension of the rules, the above roll call was corrected to reflect her as voting nay.

SENATE BILL NO. 1081— BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 6:824(A)(1), relative to repayment of loans; to delete the minimum sixty-one day grace period; and to provide for related matters.

Read by title.

Rep. Pinac moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Pierre
Alario	Glover	Pinac
Alexander	Green	Pitre
Ansardi	Guillory	Powell
Arnold	Hammett	Quezaire
Baldone	Heaton	Richmond
Baudoin	Hebert	Romero
Baylor	Hill	Salter
Beard	Honey	Scalise
Bowler	Hudson	Schneider
Broome	Hunter	Schwegmann
Bruce	Hutter	Shaw
Bruneau	Iles	Smith, G.—56th
Capella	Jackson, L	Smith, J.D.—50th
Carter, K	Jackson, M	Smith, J.H.—8th
Carter, R	Johns	Smith, J.R.—30th
Cazayoux	Katz	Sneed
Crane	Kennard	Stelly
Curtis	Kenney	Strain
Damico	LaFleur	Swilling
Daniel	Lancaster	Thompson
Dartez	Landrieu	Toomy
Devillier	LeBlanc	Townsend
Downer	Lucas	Triche
Downs	Martiny	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Fruge	Odinot	
Futrell	Peychaud	
Total—100		

NAYS

Total—0

ABSENT

Crowe	Doerge	Perkins
Diez	Hopkins	
Total—5		

The Chair declared the above bill was finally passed.

Rep. Pinac moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Rep. LeBlanc, the motion to reconsider the vote by which Senate Bill No. 1025 finally passed was called from the table.

Suspension of the Rules

On motion of Rep. LeBlanc, the rules were suspended to reconsider the vote by which Senate Bill No. 1025 finally passed on the same legislative day.

Reconsideration

The following legislative instruments on reconsideration were taken up and acted upon as follows:

SENATE BILL NO. 1025— BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 39:99.12(A), relative to the sale of tobacco assets; to provide for the sale of certain assets; and to provide for related matters.

Read by title.

On motion of Rep. LeBlanc, the vote by which the above Senate Bill finally passed was reconsidered.

Suspension of the Rules

On motion of Rep. LeBlanc, the rules were suspended in order to take up and consider Senate Bill No. 1025 at this time.

SENATE BILL NO. 1025— BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 39:99.12(A), relative to the sale of tobacco assets; to provide for the sale of certain assets; and to provide for related matters.

Read by title.

Rep. LeBlanc sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative LeBlanc to Reengrossed Senate Bill No. 1025 by Senator Dardenne

AMENDMENT NO. 1

On page 1, line 8, change "(2)" to "(2)(a)"

AMENDMENT NO. 2

On page 2, between lines 23 and 24, insert the following:

"(b) In the event a sale or sales authorized in this Paragraph is made during any fiscal year commencing on or after July 1, 2003, the state treasurer, in consultation with the commissioner of administration, shall provide for the deposit into the Louisiana Fund an amount of the net proceeds of any sale or sales that, together with other deposits, will ensure that a sufficient amount is deposited into the Louisiana Fund to fund the appropriations from that fund for that fiscal year. The remainder of such proceeds after deposit into the Louisiana Fund and any residuals received in such state fiscal year shall be deposited into the Millennium Trust."

On motion of Rep. LeBlanc, the amendments were adopted.

Rep. LeBlanc moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Odinot
Alario	Gallot	Peychaud
Alexander	Glover	Pinac

Page 40 HOUSE

40th Day's Proceedings - June 11, 2003

Ansardi	Green	Pitre
Arnold	Guillory	Powell
Baldone	Hammett	Quezaire
Baudoin	Heaton	Richmond
Baylor	Hebert	Romero
Beard	Hill	Salter
Bowler	Honey	Scalise
Broome	Hopkins	Schneider
Bruce	Hudson	Schwegmann
Capella	Hunter	Shaw
Carter, K	Hutter	Smith, G.—56th
Carter, R	Iles	Smith, J.D.—50th
Cazayoux	Jackson, L	Smith, J.H.—8th
Crane	Jackson, M	Smith, J.R.—30th
Crowe	Johns	Sneed
Curtis	Katz	Stelly
Damico	Kennard	Strain
Daniel	Kenney	Swilling
Dartez	LaFleur	Thompson
Devillier	Lancaster	Toomy
Diez	Landrieu	Townsend
Downer	LeBlanc	Triche
Downs	Lucas	Tucker
Durand	Martiny	Waddell
Erdey	McDonald	Walker
Fannin	McVea	Walsworth
Farrar	Montgomery	Welch
Faucheux	Morrell	Winston
Flavin	Morrish	Wooton
Frith	Murray	Wright
Fruge	Nevers	
Total—101		

NAYS

Total—0

ABSENT

Bruneau	Perkins
Doerge	Pierre
Total—4	

The Chair declared the above bill was finally passed.

SENATE BILL NO. 1095— BY SENATOR JOHNSON

AN ACT

To enact R.S. 48:57 and Part VI-D of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 48:109.1, relative to roads and highways; to authorize appointment of certain traffic control officers; to provide for the powers and duties of such officers; to create the Eastern New Orleans Interstate Oversight Commission; to provide for appointment of members, terms, and duties; and to provide for related matters.

Read by title.

Rep. Richmond moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Odinot
Alario	Gallot	Perkins
Ansardi	Glover	Psychaud
Arnold	Green	Pierre
Baldone	Guillory	Pinac

Baudoin	Hammett	Pitre
Baylor	Heaton	Powell
Beard	Hebert	Quezaire
Bowler	Hill	Richmond
Broome	Honey	Romero
Bruce	Hopkins	Salter
Bruneau	Hudson	Schneider
Carter, K	Hunter	Schwegmann
Carter, R	Hutter	Shaw
Cazayoux	Iles	Smith, G.—56th
Crane	Jackson, L	Smith, J.D.—50th
Crowe	Jackson, M	Smith, J.H.—8th
Curtis	Johns	Smith, J.R.—30th
Damico	Kennard	Sneed
Daniel	Kenney	Stelly
Dartez	LaFleur	Strain
Devillier	Lancaster	Swilling
Diez	Landrieu	Thompson
Downer	LeBlanc	Townsend
Downs	Lucas	Triche
Durand	McDonald	Tucker
Fannin	McVea	Waddell
Farrar	Montgomery	Walker
Faucheux	Morrell	Walsworth
Flavin	Morrish	Welch
Frith	Murray	Wooton
Fruge	Nevers	Wright
Total—96		

NAYS

Alexander	Toomy
Martiny	Winston
Total—4	

ABSENT

Capella	Erdey	Scalise
Doerge	Katz	
Total—5		

The Chair declared the above bill was finally passed.

Rep. Richmond moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 10— BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 15:254.6(B)(2) relative to compulsory process; to provide for the use of unexpended and unencumbered funds in the witness fee account for the town of Welsh; to provide that surplus funds may be deposited into the town's general fund to pay for infrastructure improvements and equipment; and to provide for related matters.

Read by title.

Rep. Morrish moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Psychaud
Alexander	Glover	Pierre
Ansardi	Green	Pinac
Arnold	Guillory	Pitre

Baldone	Hammett	Powell
Baudoin	Heaton	Quezaire
Baylor	Hebert	Richmond
Beard	Hill	Romero
Bowler	Honey	Salter
Broome	Hopkins	Scalise
Bruneau	Hudson	Schneider
Capella	Hunter	Schwegmann
Carter, K	Hutter	Shaw
Carter, R	Iles	Smith, G.—56th
Cazayoux	Jackson, L	Smith, J.D.—50th
Crane	Jackson, M	Smith, J.R.—30th
Crowe	Johns	Sneed
Curtis	Katz	Stelly
Damico	Kennard	Strain
Daniel	Kenney	Swilling
Dartez	Lancaster	Thompson
Devillier	Landrieu	Toomy
Diez	LeBlanc	Townsend
Downer	Lucas	Triche
Downs	Martiny	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Früge	Odinet	
Total—101		

NAYS

Total—0

ABSENT

Bruce	LaFleur
Doerge	Smith, J.H.—8th
Total—4	

The Chair declared the above bill was finally passed.

Rep. Morrish moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 71—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 32:666(A), relative to the offense of driving while intoxicated; to provide for penalties for such offense in the case of a fatal crash or a crash resulting in serious injury which involves alcohol; to require that such penalties be the same as those imposed for a first offense violation of driving while intoxicated; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Baldone, the bill was returned to the calendar.

SENATE BILL NO. 110—
BY SENATORS HINES AND HOYT

AN ACT

To amend and reenact R.S. 17:416(B)(1)(b), relative to minimum blade length; to prohibit a student from carrying or possessing a knife of any blade length; to provide for the discipline of such student; and to provide for related matters.

Read by title.

Motion

On motion of Rep. LaFleur, the bill was returned to the calendar.

SENATE BILL NO. 132—
BY SENATOR LAMBERT

AN ACT

To amend and reenact R.S. 40:1300.61(C)(1), relative to the River Region Cancer Screening and Early Detection District; to increase the membership by two on the board of commissioners; and to provide for related matters.

Read by title.

Rep. Diez moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Peychaud
Alario	Glover	Pierre
Alexander	Green	Pinac
Arnold	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Quezaire
Baylor	Hebert	Richmond
Bowler	Hill	Romero
Broome	Honey	Salter
Bruce	Hopkins	Scalise
Bruneau	Hudson	Schneider
Capella	Hunter	Schwegmann
Carter, K	Hutter	Shaw
Carter, R	Iles	Smith, G.—56th
Cazayoux	Jackson, L	Smith, J.D.—50th
Crane	Jackson, M	Smith, J.H.—8th
Crowe	Johns	Smith, J.R.—30th
Damico	Katz	Sneed
Daniel	Kennard	Stelly
Dartez	Kenney	Strain
Devillier	LaFleur	Swilling
Diez	Lancaster	Thompson
Downer	Landrieu	Toomy
Downs	LeBlanc	Townsend
Durand	Martiny	Triche
Erdey	McDonald	Tucker
Fannin	McVea	Waddell
Farrar	Montgomery	Walker
Faucheux	Morrell	Welch
Flavin	Murray	Winston
Frith	Nevers	Wooton
Früge	Odinet	Wright
Futrell	Perkins	
Total—98		

NAYS

Total—0

ABSENT

Ansardi	Doerge	Walsworth
Beard	Lucas	
Curtis	Morrish	
Total—7		

The Chair declared the above bill was finally passed.

Page 42 HOUSE

40th Day's Proceedings - June 11, 2003

Rep. Diez moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 143—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 14:98(B)(2), (C)(2) and (K), R.S. 15:306(A) and R.S. 32:378.2(A)(2)(a)(i) and 667(B)(1) and (3) and to enact R.S. 32:414(A)(1)(c), relative to driving while intoxicated; to provide relative to penalties for first or second offense driving while intoxicated under certain circumstances; to increase the time for suspension of driver's licenses for such offenses; to authorize a restricted license under certain conditions; to prohibit a restricted license under certain circumstances; to require the installation of an ignition interlock device for such authorization; to require installation of an ignition interlock device during certain periods of suspension; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Baldone, the bill was returned to the calendar.

SENATE BILL NO. 155—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 17:421.8(B), relative to school counselors; to provide relative to salary supplements for school counselors who hold a National Certified School Counselor credential issued by the National Board for Certified Counselors; to provide for verification; to require submission of certain documentation to the Department of Education by a certain date; to provide relative to the payment of the initial supplement; and to provide for related matters.

Read by title.

Rep. Winston moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Psychaud
Alario	Glover	Pierre
Alexander	Green	Pinac
Arnold	Guillory	Pitre
Baldone	Hammett	Powell
Baylor	Heaton	Quezaire
Bowler	Hebert	Richmond
Broome	Hill	Romero
Bruce	Honey	Salter
Bruneau	Hopkins	Scalise
Capella	Hudson	Schneider
Carter, K	Hunter	Schwegmann
Carter, R	Hutter	Shaw
Cazayoux	Iles	Smith, G.—56th
Crane	Jackson, L	Smith, J.D.—50th
Crowe	Jackson, M	Smith, J.H.—8th
Curtis	Johns	Smith, J.R.—30th
Damico	Kennard	Sneed
Daniel	Kenney	Stelly
Dartez	LaFleur	Strain
Devillier	Lancaster	Swilling

Diez	Landrieu	Thompson
Downer	LeBlanc	Toomy
Downs	Lucas	Townsend
Durand	Martiny	Triche
Erdey	McDonald	Tucker
Fannin	McVea	Waddell
Farrar	Montgomery	Walker
Faucheux	Morrell	Welch
Flavin	Murray	Winston
Frith	Nevers	Wooton
Fruge	Odinet	
Futrell	Perkins	

Total—97

NAYS

Total—0

ABSENT

Ansardi	Doerge	Walsworth
Baudoin	Katz	Wright
Beard	Morrish	

Total—8

The Chair declared the above bill was finally passed.

Rep. Winston moved to reconsider the vote by which the above bill was finally passed, and, on her own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 178—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 14:99, relative to offenses effecting the public safety; to provide relative to reckless operation of a vehicle; to provide relative to the penalties for such offense; and to provide for related matters.

Read by title.

Motion

Rep. Morrell moved the bill be indefinitely postponed.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Honey	Pierre
Alario	Hopkins	Pinac
Beard	Hudson	Quezaire
Bowler	Hunter	Richmond
Broome	Hutter	Romero
Bruneau	Iles	Schwegmann
Carter, R	Jackson, L	Smith, G.—56th
Damico	Jackson, M	Smith, J.D.—50th
Dartez	Katz	Smith, J.R.—30th
Diez	Kenney	Strain
Durand	Lancaster	Swilling
Frith	LeBlanc	Thompson
Gallot	McVea	Toomy
Green	Morrell	Townsend
Guillory	Morrish	Walker
Hammett	Murray	Welch
Heaton	Odinet	
Hebert	Psychaud	

Total—52

NAYS

Alexander	Fannin	Powell
Ansardi	Faucheux	Salter
Arnold	Flavin	Scalise
Baldone	Futrell	Schneider
Baudoin	Glover	Shaw
Bruce	Johns	Sneed
Capella	Kennard	Stelly
Carter, K	LaFleur	Triche
Cazayoux	Landrieu	Tucker
Crane	Martiny	Waddell
Crowe	McDonald	Walsworth
Daniel	Montgomery	Winston
Devillier	Nevers	Wright
Downs	Perkins	
Erdey	Pitre	
Total—43		

ABSENT

Baylor	Farrar	Smith, J.H.—8th
Curtis	Früge	Wooton
Doerge	Hill	
Downer	Lucas	
Total—10		

The bill was indefinitely postponed.

Suspension of the Rules

On motion of Rep. Powell, and under a suspension of the rules, the above roll call was corrected to reflect him as voting nay.

SENATE BILL NO. 190—
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:701(28), 723(A)(1), 728(A) and (B)(1)(a)(ii), and 783(D)(1)(a), relative to the Teachers' Retirement System of Louisiana; to provide with respect to monthly retirement benefits paid in advance; to provide with respect to selection of option for method of payment after death of member; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Schneider moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Glover	Pierre
Alario	Green	Pinac
Alexander	Guillory	Pitre
Ansardi	Hammett	Powell
Arnold	Heaton	Quezaire
Baldone	Hebert	Richmond
Baudoin	Hill	Romero
Baylor	Honey	Salter
Bowler	Hopkins	Scalise
Broome	Hudson	Schneider
Bruce	Hunter	Schwegmann
Bruneau	Hutter	Shaw
Capella	Iles	Smith, G.—56th
Carter, K	Jackson, L	Smith, J.D.—50th
Carter, R	Jackson, M	Smith, J.H.—8th
Cazayoux	Johns	Smith, J.R.—30th
Crane	Katz	Sneed

Crowe	Kennard	Stelly
Damico	Kenney	Strain
Daniel	LaFleur	Swilling
Dartez	Lancaster	Thompson
Devillier	Landrieu	Toomy
Diez	LeBlanc	Townsend
Downer	Martiny	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Fannin	Montgomery	Walker
Farrar	Morrell	Walsworth
Faucheux	Morrish	Welch
Flavin	Murray	Winston
Frith	Nevers	Wooton
Früge	Odinot	Wright
Futrell	Perkins	
Gallot	Peychaud	
Total—100		

NAYS

Total—0

ABSENT

Beard	Doerge	Lucas
Curtis	Downs	
Total—5		

The Chair declared the above bill was finally passed.

Rep. Schneider moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 197—
BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11: 181(B)(3), relative to Louisiana Clerks of Court Retirement System and Relief Fund; to delete reference to the chairman of the Senate Finance Committee from the provisions of law relating to per diem; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Schneider moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Peychaud
Alario	Gallot	Pierre
Alexander	Glover	Pinac
Ansardi	Green	Pitre
Arnold	Guillory	Powell
Baldone	Hammett	Quezaire
Baudoin	Heaton	Richmond
Baylor	Hebert	Romero
Beard	Hill	Salter
Bowler	Honey	Scalise
Broome	Hopkins	Schneider
Bruce	Hudson	Schwegmann
Bruneau	Hunter	Shaw
Capella	Hutter	Smith, G.—56th
Carter, K	Iles	Smith, J.D.—50th
Carter, R	Jackson, L	Smith, J.H.—8th
Cazayoux	Jackson, M	Smith, J.R.—30th

Page 44 HOUSE

40th Day's Proceedings - June 11, 2003

Crane	Johns	Sneed
Crowe	Kennard	Stelly
Damico	Kenney	Strain
Daniel	LaFleur	Swilling
Dartez	Lancaster	Thompson
Devillier	Landrieu	Toomy
Diez	LeBlanc	Townsend
Downer	Martiny	Triche
Downs	McDonald	Tucker
Durand	McVea	Waddell
Erdey	Montgomery	Walker
Fannin	Morrell	Walsworth
Farrar	Morrish	Welch
Faucheux	Murray	Winston
Flavin	Nevers	Wooton
Frith	Odinet	Wright
Fruge	Perkins	
Total—101		

NAYS

Total—0

ABSENT

Curtis	Katz
Doerge	Lucas
Total—4	

The Chair declared the above bill was finally passed.

Rep. Schneider moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 199— BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:1541, relative to Louisiana Clerks of Court Retirement System and Relief Fund; to provide that the chairman of the Senate Retirement Committee shall serve as an ex officio member; and to provide for related matters.

Read by title.

Rep. Schneider moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Pierre
Alario	Glover	Pinac
Alexander	Green	Pitre
Ansardi	Guillory	Powell
Arnold	Hammett	Quezaire
Baudoin	Heaton	Richmond
Baylor	Hebert	Romero
Beard	Hill	Salter
Bowler	Honey	Scalise
Broome	Hopkins	Schneider
Bruce	Hudson	Schwegmann
Bruneau	Hunter	Shaw
Capella	Hutter	Smith, G.—56th
Carter, K	Iles	Smith, J.D.—50th
Carter, R	Jackson, L	Smith, J.H.—8th
Cazayoux	Jackson, M	Smith, J.R.—30th
Crane	Johns	Sneed
Crowe	Katz	Stelly

Damico	Kennard	Strain
Daniel	Kenney	Swilling
Dartez	LaFleur	Thompson
Devillier	Lancaster	Toomy
Diez	Landrieu	Townsend
Downer	LeBlanc	Triche
Downs	Martiny	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	Welch
Faucheux	Murray	Winston
Flavin	Nevers	Wooton
Frith	Odinet	Wright
Fruge	Perkins	
Futrell	Peychaud	
Total—100		

NAYS

Morrish
Total—1

ABSENT

Baldone	Doerge
Curtis	Lucas
Total—4	

The Chair declared the above bill was finally passed.

Rep. Schneider moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 203— BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 11:1931 and to repeal R.S. 11:1930.1, 1930.2, and 1930.3, relative to the Parochial Employees' Retirement System of Louisiana; to provide with respect to limitations on benefits payable to highly compensated employees; to provide with respect to compliance with Internal Revenue Code provisions; to repeal authority for early payment of benefits; to repeal provisions relating to limitations on compensation; to repeal provisions relating to transfer of benefits; to repeal authority for computation of retirement benefits; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Schneider moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Gallot	Peychaud
Alexander	Glover	Pierre
Ansardi	Green	Pinac
Arnold	Guillory	Pitre
Baldone	Hammett	Powell
Baudoin	Heaton	Quezaire
Baylor	Hebert	Richmond
Beard	Hill	Romero
Bowler	Honey	Salter
Broome	Hopkins	Scalise
Bruce	Hudson	Schneider

Bruneau	Hunter	Schwegmann
Capella	Hutter	Shaw
Carter, K	Iles	Smith, G.—56th
Carter, R	Jackson, L	Smith, J.D.—50th
Cazayoux	Jackson, M	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Crowe	Katz	Sneed
Damico	Kennard	Stelly
Daniel	Kenney	Strain
Dartez	LaFleur	Swilling
Devillier	Lancaster	Thompson
Diez	Landrieu	Toomy
Downer	LeBlanc	Townsend
Downs	Martiny	Triche
Durand	McDonald	Tucker
Erdey	McVea	Waddell
Fannin	Montgomery	Walker
Farrar	Morrell	Walsworth
Faucheux	Morrish	Welch
Flavin	Murray	Winston
Frith	Nevers	Wright
Fruge	Odinet	
Total—101		

NAYS

Total—0

ABSENT

Curtis	Lucas
Doerge	Wooton
Total—4	

The Chair declared the above bill was finally passed.

Rep. Schneider moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 215—
BY SENATOR BOISSIERE

AN ACT

To repeal R.S. 11:205, relative to the Louisiana State University Retirement System; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Schneider moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Peychaud
Alario	Glover	Pinac
Alexander	Green	Pitre
Arnold	Guillory	Powell
Baldone	Hammett	Quezaire
Baudoin	Heaton	Richmond
Baylor	Hebert	Romero
Beard	Hill	Salter
Bowler	Honey	Scalise
Broome	Hopkins	Schneider
Bruce	Hudson	Schwegmann
Bruneau	Hunter	Shaw
Capella	Hutter	Smith, G.—56th
Carter, K	Iles	Smith, J.D.—50th

Carter, R	Jackson, L	Smith, J.H.—8th
Cazayoux	Jackson, M	Smith, J.R.—30th
Crane	Johns	Sneed
Crowe	Katz	Stelly
Damico	Kennard	Strain
Daniel	Kenney	Swilling
Dartez	LaFleur	Thompson
Devillier	Lancaster	Toomy
Diez	Landrieu	Townsend
Downer	LeBlanc	Triche
Downs	Lucas	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Fruge	Odinet	
Futrell	Perkins	
Total—100		

NAYS

Total—0

ABSENT

Ansardi	Doerge	Pierre
Curtis	Martiny	
Total—5		

The Chair declared the above bill was finally passed.

Rep. Schneider moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 252—
BY SENATOR DUPRE

AN ACT

To enact R.S. 40:1496(I), relative to fire protection districts; to provide for the membership of the board of commissioners of the Terrebonne Parish Fire District Number Five; to provide for extending the district into Lafourche Parish; to provide for the terms of office for board members; to provide for the board chairman; and to provide for related matters.

Read by title.

Rep. Baldone moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Peychaud
Alario	Gallot	Pinac
Alexander	Glover	Pitre
Ansardi	Green	Powell
Arnold	Guillory	Quezaire
Baldone	Hammett	Richmond
Baudoin	Heaton	Romero
Baylor	Hill	Salter
Beard	Honey	Scalise
Bowler	Hopkins	Schneider
Broome	Hudson	Schwegmann
Bruce	Hunter	Shaw
Bruneau	Hutter	Smith, G.—56th

Page 46 HOUSE

40th Day's Proceedings - June 11, 2003

Capella	Iles	Smith, J.D.—50th
Carter, K	Jackson, L	Smith, J.H.—8th
Carter, R	Jackson, M	Smith, J.R.—30th
Cazayoux	Johns	Sneed
Crane	Katz	Stelly
Crowe	Kennard	Strain
Damico	Kenney	Swilling
Daniel	LaFleur	Thompson
Dartez	Lancaster	Toomy
Devillier	Landrieu	Townsend
Diez	LeBlanc	Triche
Downer	Martiny	Tucker
Downs	McDonald	Waddell
Durand	McVea	Walker
Erdey	Montgomery	Walsworth
Fannin	Morrell	Welch
Farrar	Morrish	Winston
Faucheux	Murray	Wooton
Flavin	Nevers	Wright
Frith	Odinet	
Frige	Perkins	
Total—100		

NAYS

Total—0

ABSENT

Curtis	Hebert	Pierre
Doerge	Lucas	
Total—5		

The Chair declared the above bill was finally passed.

Rep. Baldone moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 283— BY SENATOR BOISSIERE

AN ACT

To enact R.S. 11:1313(B)(3), relative to the State Police Pension and Retirement System; to authorize an increase in disability benefits for certain catastrophic injuries sustained in the performance of official duties; to provide for an effective date; and to provide for related matters.

Read by title.

Rep. Schneider moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Perkins
Alario	Glover	Peychaud
Alexander	Green	Pierre
Ansardi	Guillory	Pinac
Arnold	Hammitt	Pitre
Baldone	Heaton	Powell
Baudoin	Hebert	Quezaire
Baylor	Hill	Richmond
Beard	Honey	Romero
Bowler	Hopkins	Salter
Broome	Hudson	Scalise
Bruce	Hunter	Schneider
Bruneau	Hutter	Schwegmann

Capella	Iles	Shaw
Carter, K	Jackson, L	Smith, G.—56th
Carter, R	Jackson, M	Smith, J.D.—50th
Cazayoux	Johns	Smith, J.H.—8th
Crane	Katz	Smith, J.R.—30th
Crowe	Kennard	Sneed
Damico	Kenney	Strain
Daniel	LaFleur	Swilling
Dartez	Lancaster	Thompson
Devillier	Landrieu	Toomy
Diez	LeBlanc	Townsend
Downer	Lucas	Triche
Downs	Martiny	Tucker
Durand	McDonald	Waddell
Erdey	McVea	Walker
Fannin	Montgomery	Walsworth
Farrar	Morrell	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Frige	Odinet	
Total—101		

NAYS

Total—0

ABSENT

Curtis	Gallot
Doerge	Stelly
Total—4	

The Chair declared the above bill was finally passed.

Rep. Schneider moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 301— BY SENATOR BAJOE

AN ACT

To amend and reenact R.S. 46:56(F)(7), relative to the confidentiality of client records; to authorize the release of non-identifying medical or genetic information from the department's records to a former foster child or his representative; and to provide for related matters.

Read by title.

Rep. Murray moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Peychaud
Alario	Gallot	Pierre
Alexander	Glover	Pinac
Ansardi	Green	Pitre
Arnold	Guillory	Powell
Baldone	Heaton	Richmond
Baylor	Hebert	Romero
Beard	Honey	Salter
Bowler	Hopkins	Scalise
Broome	Hudson	Schneider
Bruce	Hunter	Schwegmann
Bruneau	Hutter	Shaw
Capella	Iles	Smith, G.—56th

Carter, K	Jackson, L	Smith, J.D.—50th
Carter, R	Jackson, M	Smith, J.H.—8th
Cazayoux	Katz	Smith, J.R.—30th
Crane	Kennard	Sneed
Crowe	Kenney	Stelly
Curtis	LaFleur	Strain
Damico	Lancaster	Swilling
Daniel	Landrieu	Thompson
Dartez	LeBlanc	Toomy
Devillier	Lucas	Townsend
Diez	Martiny	Tucker
Downs	McDonald	Waddell
Durand	McVea	Walker
Erdey	Montgomery	Walsworth
Fannin	Morrell	Welch
Farrar	Morrish	Winston
Faucheux	Murray	Wooton
Frith	Nevers	Wright
Fruge	Odinet	
Total—95		

NAYS

Downer
Total—1

ABSENT

Baudoin	Hammett	Perkins
Doerge	Hill	Quezaire
Flavin	Johns	Triche
Total—9		

The Chair declared the above bill was finally passed.

Rep. Murray moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 855— BY SENATOR ELLINGTON

AN ACT

To amend and reenact R.S. 9:315(C)(4)(a), relative to the determination of child support; to provide for a gift to be included when determining gross income for the purposes of child support; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Bowler sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Bowler to Reengrossed Senate Bill No. 855 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 2, after "9:315(C)(4)(a)" and before the comma ",", insert "and to enact R.S. 9:315(C)(4)(d)(iv)"

AMENDMENT NO. 2

On page 1, line 4, after the semicolon ";" and before "and" insert "to provide exceptions;"

AMENDMENT NO. 3

On page 1, line 7, after "reenacted" and before "to" insert "and R.S. 9:315(C)(4)(d)(iv) is hereby enacted"

AMENDMENT NO. 4

On page 2, line 1, after "income," insert "recurring"

AMENDMENT NO. 5

On page 2, after line 5, insert the following:

"(d) As used herein, "gross income" does not include:

* * *

(iv) Any monetary gift to the domiciliary party when the objective of the gift is to supplement irregular child support payments from the nondomiciliary party.

* * *

On motion of Rep. Bowler, the amendments were adopted.

Rep. Cazayoux moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Nevers
Alario	Gallot	Odinet
Alexander	Glover	Perkins
Ansardi	Green	Peychaud
Arnold	Guillory	Pierre
Baldone	Hammett	Pinac
Baudoin	Heaton	Pitre
Baylor	Hebert	Quezaire
Bowler	Hill	Salter
Broome	Honey	Scalise
Bruce	Hopkins	Schneider
Bruneau	Hunter	Schwegmann
Capella	Hutter	Shaw
Carter, K	Iles	Smith, J.D.—50th
Cazayoux	Jackson, L	Smith, J.H.—8th
Crane	Jackson, M	Smith, J.R.—30th
Crowe	Johns	Sneed
Curtis	Katz	Strain
Damico	Kennard	Swilling
Daniel	Kenney	Thompson
Devillier	LaFleur	Toomy
Diez	Lancaster	Townsend
Downer	Landrieu	Triche
Downs	LeBlanc	Tucker
Durand	Lucas	Waddell
Erdey	Martiny	Walker
Fannin	McDonald	Walsworth
Farrar	McVea	Welch
Faucheux	Montgomery	Winston
Flavin	Morrell	Wooton
Frith	Morrish	Wright
Fruge	Murray	
Total—95		

NAYS

Carter, R	Powell	Smith, G.—56th
Dartez	Richmond	
Total—5		

ABSENT

Page 48 HOUSE

40th Day's Proceedings - June 11, 2003

Beard	Hudson	Stelly
Doerge	Romero	
Total—5		

The Chair declared the above bill was finally passed.

Rep. Cazayoux moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 967— BY SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 51:943, to enact R.S. 36:4.1(D)(17), and to repeal R.S. 36:109(D)(2), relative to the Small and Emerging Business Development Advisory Council; to change the name to the Small Business Entrepreneurship Commission; to provide for additional members of the commission; to provide for revised and additional functions of the commission; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Walsworth sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Walsworth to Reengrossed Senate Bill No. 967 by Senator Johnson

AMENDMENT NO. 1

On page 6, between lines 17 and 18 insert the following:

"(8) The commission shall promulgate rules and regulations as are necessary in accordance with the Administrative Procedure Act, subject to oversight by the House Commerce Committee and the Senate Commerce, Consumer Protection, and International Affairs, to implement the provisions of this Section."

On motion of Rep. Walsworth, the amendments were adopted.

Rep. Pinac moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Perkins
Alario	Glover	Peychaud
Alexander	Green	Pierre
Ansardi	Guillory	Pinac
Arnold	Hammett	Pitre
Baldone	Heaton	Powell
Baudoin	Hebert	Quezaire
Baylor	Hill	Richmond
Bowler	Honey	Romero
Broome	Hopkins	Salter
Bruce	Hudson	Scalise
Bruneau	Hunter	Schneider
Capella	Hutter	Schwegmann
Carter, K	Iles	Shaw
Cazayoux	Jackson, L	Smith, G.—56th
Crane	Jackson, M	Smith, J.D.—50th

Crowe	Johns	Smith, J.H.—8th
Curtis	Katz	Smith, J.R.—30th
Damico	Kennard	Sneed
Daniel	Kenney	Stelly
Dartez	LaFleur	Swilling
Devillier	Lancaster	Thompson
Diez	Landrieu	Toomy
Downer	LeBlanc	Townsend
Downs	Lucas	Triche
Durand	Martiny	Tucker
Erdey	McDonald	Waddell
Fannin	McVea	Walker
Farrar	Montgomery	Walsworth
Faucheux	Morrell	Welch
Flavin	Morrish	Winston
Frith	Murray	Wooton
Fruge	Nevers	Wright
Futrell	Odinet	
Total—101		

NAYS

Total—0

ABSENT

Beard	Doerge
Carter, R	Strain
Total—4	

The Chair declared the above bill was finally passed.

Rep. Pinac moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 110—

BY SENATORS HINES AND HOYT

AN ACT

To amend and reenact R.S. 17:416(B)(1)(b), relative to minimum blade length; to prohibit a student from carrying or possessing a knife of any blade length; to provide for the discipline of such student; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. LaFleur moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Futrell	Odinet
Alario	Gallot	Perkins
Alexander	Glover	Peychaud
Ansardi	Green	Pierre
Arnold	Guillory	Pinac
Baldone	Hammett	Pitre
Baudoin	Heaton	Powell
Baylor	Hebert	Quezaire
Beard	Hill	Richmond
Bowler	Honey	Romero
Broome	Hudson	Salter
Bruneau	Hunter	Scalise
Capella	Hutter	Schneider
Carter, K	Iles	Schwegmann
Carter, R	Jackson, L	Shaw

Cazayoux	Jackson, M	Smith, G.—56th
Crane	Johns	Smith, J.D.—50th
Crowe	Katz	Smith, J.H.—8th
Curtis	Kennard	Smith, J.R.—30th
Damico	Kenney	Sneed
Daniel	LaFleur	Stelly
De villier	Lancaster	Strain
Diez	Landrieu	Swilling
Downer	LeBlanc	Thompson
Downs	Lucas	Toomy
Durand	Martiny	Townsend
Erdey	McDonald	Triche
Fannin	McVea	Waddell
Farrar	Montgomery	Walker
Faucheux	Morrell	Welch
Flavin	Morrish	Winston
Frith	Murray	Wright
Frige	Nevers	
Total—98		

NAYS

Dartez	Tucker	Wooton
Hopkins	Walsworth	
Total—5		

ABSENT

Bruce	Doerge
Total—2	

The Chair declared the above bill was finally passed.

Rep. LaFleur moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 71—

BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 32:666(A), relative to the offense of driving while intoxicated; to provide for penalties for such offense in the case of a fatal crash or a crash resulting in serious injury which involves alcohol; to require that such penalties be the same as those imposed for a first offense violation of driving while intoxicated; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Cazayoux sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Cazayoux to Reengrossed Senate Bill No. 71 by Senator Dupre

AMENDMENT NO. 1

Delete Amendment Nos. 1 and 2 proposed by the House Committee on Administration of Criminal Justice and adopted by the House on June 9, 2003.

AMENDMENT NO. 2

On page 2, line 8, after "shall" insert "direct that"

AMENDMENT NO. 3

On page 2, delete lines 9 through 11 in their entirety and insert in lieu thereof the following:

"a chemical test be conducted of a person's blood, urine, or other bodily substance, or perform a chemical test of such person's breath, for the purpose of determining the alcoholic"

On motion of Rep. Cazayoux, the amendments were adopted.

Rep. Baldone moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Alexander	Flavin	Nevers
Baldone	Frith	Perkins
Baylor	Frige	Pitre
Beard	Futrell	Powell
Bruce	Gallot	Quezaire
Bruneau	Green	Romero
Capella	Hebert	Salter
Carter, R	Hill	Scalise
Cazayoux	Hudson	Schneider
Crane	Hutter	Shaw
Crowe	Jackson, L	Smith, G.—56th
Curtis	Johns	Smith, J.H.—8th
Damico	Kennard	Stelly
Dartez	Kenney	Strain
Diez	LaFleur	Thompson
Erdey	Landrieu	Waddell
Fannin	Lucas	Wright
Farrar	McVea	
Faucheux	Montgomery	
Total—55		

NAYS

Mr. Speaker	Honey	Richmond
Alario	Iles	Schwegmann
Ansardi	Jackson, M	Smith, J.D.—50th
Arnold	Katz	Smith, J.R.—30th
Bowler	Lancaster	Swilling
Broome	LeBlanc	Toomy
Carter, K	Martiny	Townsend
Daniel	Morrell	Triche
De villier	Morrish	Tucker
Downs	Murray	Walker
Durand	Odinot	Walsworth
Guillory	Peychaud	Welch
Hammett	Pierre	Winston
Heaton	Pinac	Wooton
Total—42		

ABSENT

Baudoin	Glover	McDonald
Doerge	Hopkins	Sneed
Downer	Hunter	
Total—8		

The Chair declared the above bill was finally passed.

Rep. Baldone moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Page 50 HOUSE

40th Day's Proceedings - June 11, 2003

SENATE BILL NO. 320— BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 14:98(A)(1)(d) and (e), relative to the offense of driving while intoxicated; to provide relative to driving under the influence of a drug which is not a controlled dangerous substance; to provide an affirmative defense for such charge under certain conditions; to provide relative to driving under the influence of a combination of alcohol and a drug which is not a controlled dangerous substance; to provide an affirmative defense for such charge under certain conditions; and to provide for related matters.

Read by title.

Rep. Gary Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Flavin	Perkins
Alario	Frith	Pinac
Alexander	Futrell	Pitre
Ansardi	Gallot	Powell
Arnold	Glover	Quezaire
Baldone	Green	Romero
Baudoin	Hammett	Salter
Beard	Heaton	Scalise
Bruce	Hebert	Schneider
Bruneau	Hill	Schwegmann
Capella	Hopkins	Shaw
Carter, R	Hutter	Smith, G.—56th
Cazayoux	Iles	Smith, J.H.—8th
Crane	Johns	Smith, J.R.—30th
Crowe	Katz	Sneed
Curtis	Kennard	Stelly
Damico	Kenney	Strain
Daniel	LaFleur	Thompson
Dartez	Lancaster	Townsend
Diez	Landrieu	Triche
Downer	LeBlanc	Tucker
Downs	Martiny	Waddell
Durand	McDonald	Walker
Erdey	McVea	Walsworth
Fannin	Montgomery	Winston
Farrar	Nevers	Wooton
Faucheux	Odinot	Wright
Total—81		

NAYS

Baylor	Hunter	Peychaud
Bowler	Jackson, L	Pierre
Broome	Jackson, M	Richmond
Fruge	Lucas	Swilling
Guillory	Morrell	Welch
Honey	Morrish	
Hudson	Murray	
Total—19		

ABSENT

Carter, K	Doerge	Toomy
Devillier	Smith, J.D.—50th	
Total—5		

The Chair declared the above bill was finally passed.

Rep. Gary Smith moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

SENATE BILL NO. 143— BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 14:98(B)(2), (C)(2) and (K), R.S. 15:306(A) and R.S. 32:378.2(A)(2)(a)(i) and 667(B)(1) and (3) and to enact R.S. 32:414(A)(1)(c), relative to driving while intoxicated; to provide relative to penalties for first or second offense driving while intoxicated under certain circumstances; to increase the time for suspension of driver's licenses for such offenses; to authorize a restricted license under certain conditions; to prohibit a restricted license under certain circumstances; to require the installation of an ignition interlock device for such authorization; to require installation of an ignition interlock device during certain periods of suspension; and to provide for related matters.

Called from the calendar.

Read by title.

Rep. Perkins sent up floor amendments which were read as follows:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Perkins to Reengrossed Senate Bill No. 143 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 8, after "conditions;" delete the remainder of the line and at the beginning of line 9 delete "circumstances;"

AMENDMENT NO. 2

On page 4, line 16, after "years," delete the remainder of the line, delete lines 17 and 18 in their entirety and insert "The"

AMENDMENT NO. 3

On page 4, at the beginning of line 20, delete "remaining"

AMENDMENT NO. 4

On page 4, delete line 25 in its entirety and insert "the first three years of the four-year period of the"

AMENDMENT NO. 5

On page 7, line 16, after "greater," delete the remainder of the line and insert "he shall be eligible for a"

AMENDMENT NO. 6

On page 7, line 17, after "license for the" delete the remainder of the line and at the beginning of line 18 delete "license" and insert "period of"

AMENDMENT NO. 7

On page 7, line 19, after "14:98(K)(2)(b)." delete the remainder of the line and insert "The"

AMENDMENT NO. 8

On page 7, line 20, after "offender" change "shall" to "may" and after "entire" change "three" to "four"

AMENDMENT NO. 9

On page 7, at the beginning of line 21, delete "remaining"

AMENDMENT NO. 10

On page 7, at the end of line 22, delete "first two" and insert "first three"

AMENDMENT NO. 11

On page 7, delete line 23 and insert "years of the four-year suspension."

AMENDMENT NO. 12

On page 8, line 21, after "years" insert a period "." and delete the remainder of the line and delete lines 22 and 23 in their entirety and insert "The offender shall be eligible for a restricted license"

AMENDMENT NO. 13

On page 8, line 24, after "entire" delete "remaining three" and insert "four"

AMENDMENT NO. 14

On page 9, delete line 2 and insert "three-year period of the four-year period of the suspension of"

AMENDMENT NO. 15

On page 11, line 13, after "weight," delete the remainder of the line and delete lines 14 and 15 and insert "he shall be eligible for a hardship license during"

AMENDMENT NO. 16

On page 11, line 16, after "entire" delete "remaining three" and insert "four"

AMENDMENT NO. 17

On page 11, line 19, change "two" to "three"

AMENDMENT NO. 18

On page 11, at the beginning of line 20, delete "remaining three" and insert "four"

On motion of Rep. Perkins, the amendments were adopted.

Rep. Baldone moved the final passage of the bill, as amended.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. Speaker	Gallot	Psychaud
Alario	Glover	Pierre
Alexander	Green	Pinac
Ansardi	Guillory	Pitre
Arnold	Hammett	Powell
Baldone	Heaton	Quezaire
Baudoin	Hebert	Richmond
Baylor	Hill	Romero
Beard	Honey	Salter
Bowler	Hopkins	Scalise
Broome	Hudson	Schneider

Bruce	Hunter	Schwegmann
Bruneau	Hutter	Shaw
Capella	Iles	Smith, G.—56th
Carter, K	Jackson, L	Smith, J.D.—50th
Carter, R	Jackson, M	Smith, J.H.—8th
Cazayoux	Johns	Sneed
Crane	Katz	Stelly
Crowe	Kennard	Strain
Curtis	Kenney	Swilling
Damico	LaFleur	Thompson
Daniel	Lancaster	Toomy
Dartez	Landrieu	Townsend
Diez	LeBlanc	Triche
Downs	Lucas	Tucker
Durand	Martiny	Waddell
Erdey	McDonald	Walker
Fannin	McVea	Walsworth
Farrar	Montgomery	Welch
Faucheux	Morrish	Winston
Flavin	Murray	Wooton
Frith	Nevers	Wright
Fruge	Odinot	
Futrell	Perkins	
Total—100		

NAYS

Morrell
Total—1

ABSENT

Devillier	Downer
Doerge	Smith, J.R.—30th
Total—4	

The Chair declared the above bill was finally passed.

Rep. Baldone moved to reconsider the vote by which the above bill was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Suspension of the Rules

On motion of Rep. Baldone, the rules were suspended in order to take up and consider Conference Committee Reports at this time.

Conference Committee Reports for Consideration

The following Conference Committee Reports were taken up and acted upon as follows:

SENATE BILL NO. 214—

BY SENATORS DUPRE, CAIN, SCHEDLER, ADLEY, BARHAM, BOISSIERE, CHAISSON, CRAVINS, DARDENNE, FIELDS, ELLINGTON, FONTENOT, GAUTREAUX, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SMITH, TARVER, THEUNISSEN AND THOMAS AND REPRESENTATIVES PITRE AND DOWNER

A JOINT RESOLUTION

Proposing to amend Article VII, Sections 10.2(B) and (C) and 10.5(C) of the Constitution of Louisiana and to add Article VII, Section 10(D)(2)(e) and (f) of the Constitution of Louisiana, relative to state funds; to provide for credit and appropriation of monies in the Mineral Revenue Audit and Settlement Fund for deposit in the Wetlands Conservation and Restoration Fund; to provide for the cap on the balance of certain mineral revenues that can be in the balance of the Wetlands Conservation and Restoration Fund; to provide for the allocation of appropriation of nonrecurring revenues for deposit into the Wetlands Conservation and Restoration Fund; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Suspension of the Rules

On motion of Rep. Pitre, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Read by title.

On motion of Rep. Pitre, the bill was recommitted to the Conference Committee.

SENATE BILL NO. 568—

BY SENATORS DUPRE, CAIN, SCHEDLER, ADLEY, BARHAM, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, FIELDS, FONTENOT, GAUTREAUX, HINES, HOLLIS, HOYT, IRONS, LAMBERT, MCPHERSON, MICHOT, MOUNT, ROMERO, SMITH, TARVER AND THEUNISSEN

AN ACT

To amend and reenact R.S. 39:97(C) and R.S. 49:213.7(B)(1) and (D) and to enact R.S. 39:34(B)(2)(d) and 54(B)(2)(d) and (e) and to repeal R.S. 49:213.7(B)(3), relative to state funds; to provide for credit and appropriation of monies in the Mineral Revenue Audit and Settlement Fund for deposit in the Wetlands Conservation and Restoration Fund; to provide for a cap on the balance of certain mineral revenues that can be in the balance of the Wetlands Conservation and Restoration Fund; to provide for the allocation of appropriation of nonrecurring revenues for deposit into the Wetlands Conservation and Restoration Fund; to provide for an effective date; and to provide for related matters.

Suspension of the Rules

On motion of Rep. Pitre, and under a suspension of the rules, the above bill was taken up out of its regular order at this time.

Read by title.

On motion of Rep. Pitre, the bill was recommitted to the Conference Committee.

Conference Committee Reports Received

Conference Committee Reports were received for the following legislative instruments:

HOUSE BILL NO. 1342—

BY REPRESENTATIVES DEWITT, CRANE, ALEXANDER, CURTIS, DOWNER, HONEY, KENNARD, KENNEY, NEVERS, PEYCHAUD, POWELL, JANE SMITH, AND SWILLING, AND SENATOR THEUNISSEN

AN ACT

To enact R.S. 17:416.18, relative to the rights of teachers; to establish the Educators' Right to Teach for teachers in city, parish, or other local public schools relative to disciplinary matters; to provide for policies enacted or adopted by any city, parish, or other local public school boards; and to provide for related matters.

The conference committee reports for the legislative instruments above lie over under the rules.

Conference Committee Appointment

Under a suspension of House Rule 6.14, the Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 174: Reps. DeWitt, Hill, and Diez.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 1154: Reps. Diez, Pitre, and Powell.

Conference Committee Appointment

Under a suspension of House Rule 6.14, the Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to House Bill No. 1776: Reps. Hammett, LaFleur, and Fruge.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to Senate Bill No. 296: Reps. Durand, Walsworth, and Johns.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to Senate Bill No. 330: Reps. Montgomery, Schneider, and Gallot.

Conference Committee Appointment

The Speaker appointed the following conferees on the part of the House to confer with a like committee from the Senate on the disagreement to Senate Bill No. 567: Reps. Townsend, Hebert, and Richmond.

Petitions, Memorials and Communications

The following petitions, memorials, and communications were received and read:

Message from the Senate

HOUSE BILLS

June 11, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has finally passed the following House Bills:

House Bill No. 196
Returned with amendments.

House Bill No. 809
Returned without amendments.

House Bill No. 824
Returned without amendments.

House Bill No. 852
Returned without amendments.

House Bill No. 923
Returned without amendments.

House Bill No. 972
Returned with amendments.

House Bill No. 1017
Returned with amendments.

House Bill No. 1020
Returned with amendments.

House Bill No. 1078
Returned with amendments.

House Bill No. 1090
Returned with amendments.

House Bill No. 1096
Returned with amendments.

House Bill No. 1124
Returned without amendments.

House Bill No. 1127
Returned without amendments.

House Bill No. 1133
Returned without amendments.

House Bill No. 1155
Returned without amendments.

House Bill No. 1156
Returned without amendments.

House Bill No. 1167
Returned without amendments.

House Bill No. 1273
Returned without amendments.

House Bill No. 1355
Returned without amendments.

House Bill No. 1468
Returned with amendments.

House Bill No. 1496
Returned with amendments.

House Bill No. 1643
Returned with amendments.

House Bill No. 1644
Returned without amendments.

House Bill No. 1645
Returned without amendments.

House Bill No. 1646
Returned without amendments.

House Bill No. 1647
Returned without amendments.

House Bill No. 1648
Returned without amendments.

House Bill No. 1671
Returned without amendments.

House Bill No. 1686
Returned with amendments.

House Bill No. 1894
Returned without amendments.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

DISAGREEMENT TO SENATE BILL

June 11, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 70 by Sen. Gautreaux, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

DISAGREEMENT TO SENATE BILL

June 11, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 340 by Sen. Irons, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

DISAGREEMENT TO SENATE BILL

June 11, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 637 by Sen. Heitmeier, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

DISAGREEMENT TO SENATE BILL

June 11, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the Senate has refused to concur in the proposed House Amendments to Senate Bill No. 968 by Sen. B. Jones, and ask the Speaker to appoint a committee to confer with a like committee from the Senate on the disagreement.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

Message from the Senate

SIGNED SENATE BILLS AND JOINT RESOLUTIONS

June 11, 2003

To the Honorable Speaker and Members of the House of Representatives:

I am directed to inform your honorable body that the President of the Senate has signed the following Senate Bills:

Senate Bill Nos. 342, 601, 681, 715, 716, 723, 733, 759, 794, 824, 841, 901, 1040, and 1058

and ask the Speaker of the House of Representatives to affix his signature to the same.

Respectfully submitted,

MICHAEL S. BAER, III
Secretary of the Senate

The Senate Bills contained herein were signed by the Speaker of the House.

Introduction of Resolutions, House and House Concurrent

The following members introduced the following entitled House and House Concurrent Resolutions, which were read the first time by their titles and placed upon the calendar for their second reading:

HOUSE RESOLUTION NO. 119— BY REPRESENTATIVES PINAC AND DEWITT A RESOLUTION

To express the sincere and heartfelt condolences of the House of Representatives upon the death of Camile Adam of Lyons Point.

Read by title.

On motion of Rep. Pinac, and under a suspension of the rules, the resolution was adopted.

HOUSE RESOLUTION NO. 120— BY REPRESENTATIVE HUNTER A RESOLUTION

To express sincere and heartfelt condolences upon the death of civil rights attorney James Sharp, Jr., and to recognize his contributions to the city of Monroe, to Ouachita Parish, and to the state of Louisiana.

Read by title.

On motion of Rep. Hunter, and under a suspension of the rules, the resolution was adopted.

HOUSE RESOLUTION NO. 121—

BY REPRESENTATIVE CROWE

A RESOLUTION

To recognize and commend Tim Floyd on his selection as the head coach of the New Orleans Hornets Basketball Team.

Read by title.

On motion of Rep. Crowe, and under a suspension of the rules, the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 237—

BY REPRESENTATIVE WELCH

A CONCURRENT RESOLUTION

To recognize Tuesday, June 17, 2003, as a Day of Prayer and Comfort in support of the families and friends of Trineisha Dené Colomb, Gina Wilson Green, Pam Kinamore, Charlotte Murray Pace, and Carrie Lynn Yoder and to provide for suitable observance of this special day.

Read by title.

On motion of Rep. Welch, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 238—

BY REPRESENTATIVE THOMPSON

A CONCURRENT RESOLUTION

To commend the University of Louisiana at Monroe for having developed the expertise and facilities to teach precision farming management practices and to encourage the teaching of precision farming management practices in all Louisiana colleges and universities.

Read by title.

On motion of Rep. Thompson, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 239—

BY REPRESENTATIVE THOMPSON

A CONCURRENT RESOLUTION

To create the Louisiana Dairy Industry Task Force to study issues affecting fair milk prices and to make recommendations to the legislature.

Read by title.

Lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 240—

BY REPRESENTATIVE JOHNS

A CONCURRENT RESOLUTION

To commend Dennis Trahan upon his many accomplishments and particularly upon the celebrated and memorable occasion of his induction into the Louisiana Fast Pitch Softball Hall of Fame.

Read by title.

On motion of Rep. Johns, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

HOUSE CONCURRENT RESOLUTION NO. 241—
BY REPRESENTATIVES GALLOT, DOWNS, AND FANNIN AND SENATOR B. JONES

A CONCURRENT RESOLUTION

To express the condolences of the Legislature of Louisiana upon the death of Mary Ardistine Fowler Beasley of Ruston.

Read by title.

On motion of Rep. Gallot, and under a suspension of the rules, the resolution was adopted.

Ordered to the Senate.

Reports of Committees

The following reports of committees were received and read:

Report of the Committee on Civil Law and Procedure

June 11, 2003

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on June 10, 2003, I am directed by your Committee on Civil Law and Procedure to submit the following report:

House Bill No. 670, by Daniel (Joint Resolution)
Reported without amendments. (6-0) (Regular)

RONNIE JOHNS
Chairman

**Report of the Committee on
Administration of Criminal Justice**

June 11, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Administration of Criminal Justice to submit the following report:

Senate Bill No. 72, by Dupre
Reported with amendments. (5-4) (Regular)

Senate Bill No. 77, by Mount
Reported with amendments. (6-0) (Regular)

Senate Bill No. 98, by Lentini
Reported with amendments. (6-1) (Regular)

Senate Bill No. 207, by Boissiere
Reported favorably. (6-0) (Regular)

Senate Bill No. 295, by Dardenne
Reported with amendments. (6-0) (Regular)

Senate Bill No. 303, by Mount
Reported favorably. (6-0) (Regular)

Senate Bill No. 304, by Dardenne
Reported favorably. (6-0) (Regular)

Senate Bill No. 424, by Chaisson
Reported with amendments. (6-0) (Regular)

Senate Bill No. 477, by Chaisson

Reported with amendments. (6-0) (Regular)

Senate Bill No. 480, by Chaisson
Reported with amendments. (6-0) (Regular)

Senate Bill No. 481, by Chaisson
Reported favorably. (7-0) (Regular)

Senate Bill No. 502, by Dardenne
Reported favorably. (6-0) (Regular)

Senate Bill No. 508, by C D Jones
Reported with amendments. (5-2-1) (Regular)

Senate Bill No. 511, by C D Jones
Reported favorably. (7-0) (Regular)

Senate Bill No. 522, by C D Jones
Reported with amendments. (7-0) (Regular)

Senate Bill No. 552, by C D Jones
Reported favorably. (7-0) (Regular)

Senate Bill No. 627, by Irons
Reported favorably. (6-0) (Regular)

Senate Bill No. 660, by Heitmeier
Reported favorably. (6-0) (Regular)

Senate Bill No. 761, by Cain
Reported with amendments. (8-0) (Regular)

Senate Bill No. 801, by Marionneaux
Reported favorably. (5-2) (Regular)

Senate Bill No. 1027, by Johnson
Reported favorably. (6-0) (Regular)

Senate Bill No. 1031, by C Romero
Reported favorably. (6-0) (Regular)

DANIEL MARTINY
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Education

June 11, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Education to submit the following report:

Senate Bill No. 235, by Dupre
Reported favorably. (13-0) (Regular)

Senate Bill No. 398, by Fontenot
Reported with amendments. (12-0) (Regular)

Senate Bill No. 706, by Irons
Reported with amendments. (14-0) (Regular)

CARL CRANE
Chairman

Page 56 HOUSE

40th Day's Proceedings - June 11, 2003

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Health and Welfare

June 11, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Health and Welfare to submit the following report:

Senate Bill No. 326, by Bajoie
Reported favorably. (12-0) (Regular)

Senate Bill No. 867, by Schedler
Reported with amendments. (10-4) (Regular)

Senate Bill No. 1090, by Bajoie
Reported favorably. (12-0) (Regular)

SYDNIE MAE DURAND
Chairman

The above Senate Bills (except Senate Bill No. 326) reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Insurance

June 11, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Insurance to submit the following report:

House Bill No. 691, by Farrar
Reported favorably. (7-6) (Regular)

Senate Bill No. 1110, by Boissiere
Reported with amendments. (13-0) (Regular)

TROY HEBERT
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Retirement

June 11, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Committee on Retirement to submit the following report:

Senate Bill No. 202, by Boissiere
Reported favorably. (6-0) (Regular)

Senate Bill No. 425, by Boissiere
Reported favorably. (6-0) (Regular)

Senate Bill No. 427, by Boissiere
Reported with amendments. (6-0) (Regular)

Senate Bill No. 602, by Boissiere
Reported favorably. (6-0) (Regular)

Senate Bill No. 603, by Boissiere
Reported with amendments. (7-0) (Regular)

Senate Bill No. 1076, by Boissiere
Reported with amendments. (7-0) (Regular)

M. P. "PETE" SCHNEIDER III
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Report of the Committee on Retirement

June 11, 2003

To the Speaker and Members of the House of Representatives:

Pursuant to a meeting held on June 10, 2003, I am directed by your Committee on Retirement to submit the following report:

House Bill No. 1531, by Arnold
Reported favorably. (8-0) (Regular)

House Bill No. 1557, by Landrieu
Reported favorably. (9-0) (Regular)

Senate Bill No. 281, by Boissiere
Reported favorably. (6-0) (Regular)

Senate Bill No. 426, by Boissiere
Reported with amendments. (6-0) (Regular)

Senate Bill No. 636, by Heitmeier
Reported favorably. (6-0) (Regular)

Senate Bill No. 728, by C. D. Jones
Reported with amendments. (6-0) (Regular)

Senate Bill No. 986, by Irons
Reported with amendments. (8-0) (Regular)

Senate Bill No. 1035, by Dupre
Reported favorably. (6-0) (Regular)

M. P. "PETE" SCHNEIDER III
Chairman

The above Senate Bills reported favorably or with amendments were referred to the Legislative Bureau.

Suspension of the Rules

On motion of Rep. Arnold, the rules were suspended in order to take up House Bills contained in the committee report at this time.

House Bills and Joint Resolutions on Second Reading Reported by Committee

The following House Bills and Joint Resolutions on second reading reported by committee were taken up and acted upon as follows:

HOUSE BILL NO. 1531—
BY REPRESENTATIVE ARNOLD
AN ACT

To amend and reenact R.S. 11:3385.1(K)(5), relative to the Firefighters' Pension and Relief Fund in the city of New Orleans; to provide for payment of the balance of a member's Deferred Retirement Option

Plan account to the beneficiary; to provide for an effective date; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Retirement.

On motion of Rep. Schneider, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

HOUSE BILL NO. 1557—

BY REPRESENTATIVES LANDRIEU AND MURRAY
AN ACT

To amend and reenact R.S. 11:3385.2(A) and to enact R.S. 11:3385.1(L), relative to the Firefighters' Pension and Relief Fund in the city of New Orleans; to authorize Deferred Retirement Option Plan participant to exercise an initial lump sum benefit option; and to provide for related matters.

Read by title.

Reported favorably by the Committee on Retirement.

On motion of Rep. Schneider, the bill was ordered engrossed and passed to its third reading.

Under the rules, placed on the regular calendar.

Privileged Report of the Legislative Bureau

June 11, 2003

To the Speaker and Members of the House of Representatives:

I am directed by your Legislative Bureau to submit the following report:

Senate Concurrent Resolution No. 74
Reported without amendments.

Senate Bill No. 21
Reported without amendments.

Senate Bill No. 61
Reported without amendments.

Senate Bill No. 120
Reported without amendments.

Senate Bill No. 133
Reported without amendments.

Senate Bill No. 147
Reported without amendments.

Senate Bill No. 151
Reported without amendments.

Senate Bill No. 227
Reported without amendments.

Senate Bill No. 255
Reported without amendments.

Senate Bill No. 314
Reported without amendments.

Senate Bill No. 323
Reported without amendments.

Senate Bill No. 349
Reported without amendments.

Senate Bill No. 359
Reported without amendments.

Senate Bill No. 382
Reported without amendments.

Senate Bill No. 505
Reported without amendments.

Senate Bill No. 572
Reported without amendments.

Senate Bill No. 583
Reported without amendments.

Senate Bill No. 607
Reported without amendments.

Senate Bill No. 646
Reported without amendments.

Senate Bill No. 688
Reported without amendments.

Senate Bill No. 704
Reported without amendments.

Senate Bill No. 749
Reported without amendments.

Senate Bill No. 802
Reported without amendments.

Senate Bill No. 840
Reported without amendments.

Senate Bill No. 844
Reported without amendments.

Senate Bill No. 975
Reported without amendments.

Senate Bill No. 983
Reported without amendments.

Senate Bill No. 997
Reported without amendments.

Senate Bill No. 1011
Reported without amendments.

Senate Bill No. 1024
Reported without amendments.

Senate Bill No. 1028
Reported without amendments.

Senate Bill No. 1099
Reported without amendments.

Senate Bill No. 1111
Reported without amendments.

Senate Bill No. 1115
Reported without amendments.

Senate Bill No. 1121
Reported without amendments.

Senate Bill No. 1126
Reported without amendments.

Respectfully submitted,

JOE SALTER
Chairman

Senate Instruments on Second Reading Returned from the Legislative Bureau

Rep. LeBlanc asked for and obtained a suspension of the rules to take up at this time the following Senate Bills and Joint Resolutions on second reading just returned from the Legislative Bureau, with a view of acting on the same:

SENATE BILL NO. 61— BY SENATOR C. JONES

AN ACT

To enact R.S. 24:513(A)(1)(b)(v) and (I)(3) and Part III-A of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2326 through 2330, relative to economic development activities; to provide for the creation of the Monroe and Northeast Louisiana Technology and Business Incubation Center; to provide definitions; to provide for qualifications; to provide for grants; to add to the entities subject to audit and review by the legislative auditor; and to provide for related matters.

Read by title.

Motion

On motion of Rep. LeBlanc, the above bill was recommitted to the Committee on Appropriations.

Senate Bills and Joint Resolutions on Second Reading to be Referred

The following Senate Bills and Joint Resolutions on second reading to be referred were taken up, read, and referred to committees, as follows:

Motion

On motion of Rep. Landrieu, the Committee on Appropriations was discharged from further consideration of Senate Bill No. 963.

SENATE BILL NO. 963—

BY SENATORS CRAVINS, MICHOT, IRONS AND HOLDEN AND REPRESENTATIVES K. CARTER, GLOVER, GUILLORY, M. JACKSON AND MORRELL

AN ACT

To enact R.S. 15:902.2, relative to juvenile institutions; to provide for the closure of Swanson Correctional Center for Youth-Madison Parish Unit; to require the Department of Public Safety and Corrections to develop a plan for closure of the facility and placement of the youth confined at the facility; to provide for an effective date; and to provide for related matters.

Read by title.

Motion

On motion of Rep. Landrieu, the bill was referred to the Legislative Bureau.

Privileged Report of the Committee on Enrollment

June 11, 2003

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Resolutions have been properly enrolled:

HOUSE RESOLUTION NO. 118—

BY REPRESENTATIVE LUCAS

A RESOLUTION

To urge and request the New Orleans City Council to designate Desire Street as a one-way street from St. Claude Avenue north to Claiborne Avenue.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Resolutions contained in the report were signed by the Speaker of the House and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

June 11, 2003

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Concurrent Resolutions have been properly enrolled:

HOUSE CONCURRENT RESOLUTION NO. 228—

BY REPRESENTATIVES WELCH, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BAYLOR, BEARD, BOWLER, BROOME, BRUCE, BRUNEAU, CAPELLA, K. CARTER, R. CARTER, CAZAYOUX, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNER, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, McDONALD, MCVEA, MONTGOMERY, MORRELL, MORRISH, MURRAY, NEVERS, ODINET, PERKINS, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT AND SENATORS ADLEY, BAJOEI, BARHAM, BEAN, BOISSIERE, CAIN, CHAISSON, CRAVINS, DARDENNE, DEAN, DUPRE, ELLINGTON, FIELDS, FONTENOT, GAUTREAUX, HAINKEL, HEITMEIER, HINES, HOLDEN, HOLLIS, HOYT, IRONS, JOHNSON, B. JONES, C. JONES, LAMBERT, LENTINI, MALONE, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, ROMERO, SCHEDLER, SMITH, TARVER, THEUNISSEN, THOMAS, AND ULLO

A CONCURRENT RESOLUTION

To commend the baseball team of Louisiana State University for winning the National Collegiate Athletic Association Super Regional and reaching the 2003 College World Series.

HOUSE CONCURRENT RESOLUTION NO. 231—

BY REPRESENTATIVE RICHMOND

A CONCURRENT RESOLUTION

To commend René Michelle Wilson upon her selection as a featured principal in the film *Unchain My Heart*.

HOUSE CONCURRENT RESOLUTION NO. 232—

BY REPRESENTATIVES THOMPSON, FANNIN, HAMMETT, KENNEY, AND TOWNSEND AND SENATORS C. JONES, ELLINGTON, SMITH, AND CAIN

A CONCURRENT RESOLUTION

To recognize the Davy Crockett Charity Ride and honor and commend its many volunteers and its organizer, Phil Thomas.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Concurrent Resolutions contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk of the House and were signed by the President of the Senate and taken by the Clerk of the House to the Secretary of State in accordance with the rules of the House.

Privileged Report of the Committee on Enrollment

June 11, 2003

To the honorable Speaker and Members of the House of Representatives:

I am directed by your Committee on Enrollment to submit the following report:

The following House Bills have been properly enrolled:

HOUSE BILL NO. 24—

BY REPRESENTATIVE CAZAYOUX

AN ACT

To amend and reenact R.S. 41:1212(B)(1), relative to lease of school board land; to exempt the West Baton Rouge Parish School Board from advertisement and bid requirements when leasing sixteenth section school board land for agricultural purposes; and to provide for related matters.

HOUSE BILL NO. 29—

BY REPRESENTATIVE SALTER

AN ACT

To repeal R.S. 38:2241.2, relative to construction contract reporting requirements; to repeal reporting requirements for certain Department of Transportation and Development contracts.

HOUSE BILL NO. 207—

BY REPRESENTATIVE GALLOT

AN ACT

To enact R.S. 33:9103(A)(5), relative to the Lincoln Parish Communications District; to increase the membership of the board of commissioners; to provide relative to the terms of office of the board members; and to provide for related matters.

HOUSE BILL NO. 230—

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 33:1704.1(D), to enact R.S. 13:1883(I), and to repeal R.S. 13:1883(A)(11), relative to the salary of the marshal for the City Court of Natchitoches; to set the salary for the office of marshal; to provide for source of payment of the salary; to provide for receipt and deposit of fees for service of process in civil matters; and to provide for related matters.

HOUSE BILL NO. 259—

BY REPRESENTATIVE WINSTON

AN ACT

To amend and reenact R.S. 17:3021 and R.S. 36:642(D)(2), to enact R.S. 17:3048.2(F) and (G), and to repeal R.S. 17:3023(B), 3023.8.1, 3026, 3027, 3028, 3030, 3036, 3036.1, Chapter 20-A of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3041 through 3041.7, Chapter 20-B-1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3042.11 through 3042.14, Chapter 20-B-3 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3042.31 through 3042.36, and Chapter 20-C of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3043 through 3043.2, all relative to the administrative powers and duties of the Louisiana Student Financial Assistance Commission; to repeal certain student financial assistance programs that the commission is authorized to administer; to provide for the continuance of certain tuition payments awarded pursuant to two such programs; to delete provisions relative to the review and approval by the commission of certain applications; and to provide for related matters.

HOUSE BILL NO. 292—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:414.2(A)(1)(a), relative to commercial motor vehicle drivers; to require the disqualification of driving privileges for certain drivers; and to provide for related matters.

HOUSE BILL NO. 293—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:409.1(A)(1)(e) and (6)(a), relative to drivers' licenses; to provide relative to applications for drivers' licenses; to require certain information to be submitted by applicants for a commercial driver's license; to require the department to check certain driving record information relative to commercial driver's license applicants; and to provide for related matters.

HOUSE BILL NO. 318—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:409.1(A)(8), relative to drivers' licenses; to prohibit the department from issuing certain commercial drivers' licenses and permits under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 319—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:408(B)(3)(introductory paragraph) and (f) and to enact R.S. 32:408(B)(3)(g), relative to drivers' licenses; to create a school bus endorsement for commercial drivers' licenses; to require the department to issue endorsements under certain circumstances; to provide for exceptions; to authorize the department to implement a federal waiver program; and to provide for related matters.

HOUSE BILL NO. 333—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 40:1472.3(A) and R.S. 51:655(A) and (B)(2) and 658(A)(2) and to enact R.S. 51:650(9) through (12) and 655(E), relative to fireworks; to revise provisions relative to the public display of fireworks; to provide for definitions; to provide for penalties; and to provide for related matters.

Page 60 HOUSE

40th Day's Proceedings - June 11, 2003

HOUSE BILL NO. 343—

BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 33:2721.13, relative to Tensas Parish; to authorize the governing authority of Tensas Parish to levy and collect an additional sales and use tax with voter approval; and to provide for related matters.

HOUSE BILL NO. 344—

BY REPRESENTATIVE HOPKINS

AN ACT

To amend and reenact R.S. 46:1053(N)(1)(b) and (2)(a) and to repeal R.S. 46:1053(N)(3), relative to the North Caddo Hospital Service District; to provide relative to the board of commissioners of the district; to provide relative to the terms of office of such members; and to provide for related matters.

HOUSE BILL NO. 347—

BY REPRESENTATIVES GARY SMITH, POWELL, AND JANE SMITH

AN ACT

To enact R.S. 17:3048.1(H)(3), to permit certain students under specified circumstances to receive TOPS Opportunity, Performance, and Honors award benefits for postgraduate study; to provide for limitations; to provide relative to the powers and duties of the Louisiana Student Financial Assistance Commission; to provide for implementation; and to provide for related matters.

HOUSE BILL NO. 369—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:414.2(A)(1)(d)(v) and to enact R.S. 32:414.2(A)(1)(d)(vi) through (ix), relative to commercial motor vehicle drivers; to provide relative to "serious traffic violations" for commercial motor vehicle drivers; to add certain offenses to the list of "serious traffic violations"; and to provide for related matters.

HOUSE BILL NO. 389—

BY REPRESENTATIVE DIEZ

AN ACT

To enact R.S. 32:414.2(A)(7), relative to commercial motor vehicle drivers; to require the department to notify certain licensing entities of driving disqualifications; to provide relative to the requirements of such notice; to require certain information to be included in official operating records; and to provide for related matters.

HOUSE BILL NO. 432—

BY REPRESENTATIVES POWELL AND CAZAYOUX AND SENATOR DUPRE

AN ACT

To amend and reenact R.S. 2:135.1(B)(2)(b), relative to airports and aviation; to provide relative to certain airport leases; to reduce the value of improvements or construction necessary for the extension of the primary lease term for certain leases; and to provide for related matters.

HOUSE BILL NO. 451—

BY REPRESENTATIVE ERDEY

AN ACT

To enact R.S. 32:863(D), relative to motor vehicle liability security; to provide relative to the sanctions for failure to maintain motor vehicle liability security; to provide relative to reinstatement requirements of motor vehicle registrations; to prohibit the renewal of a driver's license, issuance of a duplicate license, renewal of a motor vehicle registration, or reissuance of a motor vehicle registration under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 493—

BY REPRESENTATIVE DIEZ

AN ACT

To enact R.S. 32:414.2(A)(7), relative to commercial motor vehicle drivers; to authorize the department to report certain drivers to the Federal Motor Carrier Safety Administration; to provide relative to the definition of imminent hazard; to require certain disqualifications to become part of an individual's official operating record; to provide relative to disqualification periods; and to provide for related matters.

HOUSE BILL NO. 581—

BY REPRESENTATIVES DEWITT AND BRUCE

AN ACT

To amend and reenact R.S. 33:4161, relative to public utilities; to include emergency medical services in the definition of revenue-producing public utility; and to provide for related matters.

HOUSE BILL NO. 582—

BY REPRESENTATIVE DIEZ

AN ACT

To enact R.S. 32:414.2(A)(2)(g) and (h) and (4)(e) and (f), relative to commercial motor vehicle drivers; to provide relative to disqualification of commercial motor vehicle drivers; to require the department to disqualify, for a lifetime, commercial driving privileges for certain offenses; to require the department to disqualify, for a minimum of one year, commercial driving privileges for certain offenses; and to provide for related matters.

HOUSE BILL NO. 589—

BY REPRESENTATIVES FAUCHEUX, QUEZAIRE, AND GARY SMITH

AN ACT

To enact R.S. 1:55(E)(1)(d), relative to legal holidays; to require the clerk of court in the parishes of St. James and St. John the Baptist to close their offices on days proclaimed by the governor to be a holiday; to provide for an exception; and to provide for related matters.

HOUSE BILL NO. 618—

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 22:1460, relative to insurance agents; to specify the manner in which certain life and health insurance agents may obtain information from applicants; and to provide for related matters.

HOUSE BILL NO. 632—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:427(A)(1) and (3) and to enact R.S. 32:427(A) (5), relative to commercial motor vehicle drivers; to increase the penalty for commercial motor vehicle driver convictions for violations of out-of-service orders; to impose a penalty against employers for certain convictions; and to provide for related matters.

HOUSE BILL NO. 688—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 37:3286(A)(1)(d) and (e), (2)(a) and (b), and (3)(b), (c), (e), and (f) and to enact R.S. 37:3286(A)(3)(j) and (k), relative to fees assessed by the Louisiana State Board of Private Security Examiners; to provide for fees for baton instruction; to increase certain fees; and to provide for related matters.

HOUSE BILL NO. 694—

BY REPRESENTATIVES ANSARDI, BOWLER, CAPELLA, DAMICO, MARTINY, MONTGOMERY, SCALISE, SNEED, THOMPSON, TOOMY, AND SCHNEIDER AND SENATORS LENTINI AND ULLO

AN ACT

To enact R.S. 44:3.1, relative to records of public bodies; to exempt certain records pertaining to security procedures from public records laws; to provide terms and conditions; and to provide for related matters.

HOUSE BILL NO. 701—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 40:1563(B)(4), 1573, and 1575, relative to fire protection; to prohibit the fire marshal from inspecting "one- or two-family dwellings"; and to provide for related matters.

HOUSE BILL NO. 703—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 6:969.26(D), relative to motor vehicle sales finance; to provide relative to gap insurance coverage; to provide relative to lenders; and to provide for related matters.

HOUSE BILL NO. 722—

BY REPRESENTATIVES DEWITT AND FARRAR AND SENATORS ELLINGTON AND MCPHERSON

AN ACT

To amend and reenact R.S. 51:61, 64, and 65, relative to foreign trade zones; to authorize the England Economic and Industrial Development District to make applications to be designated as a foreign trade zone; and to provide for related matters.

HOUSE BILL NO. 769—

BY REPRESENTATIVE DIEZ

AN ACT

To amend and reenact R.S. 32:412(D)(3)(c), relative to Class "D" or "E" driver's license renewals; to provide for the period that a license may be expired but still eligible for renewal by mail or electronic commerce; and to provide for related matters.

HOUSE BILL NO. 770—

BY REPRESENTATIVE DIEZ

AN ACT

To enact R.S. 32:414.2(E), relative to commercial motor vehicle drivers; to provide relative to the notice requirements of the Federal Motor Carrier Safety Administration; to require the department to notify other licensing jurisdictions of certain convictions; to require other licensing jurisdictions to notify the department of certain convictions; to provide relative to an individual's official operating record; and to provide for related matters.

HOUSE BILL NO. 786—

BY REPRESENTATIVES DANIEL AND WELCH

AN ACT

To repeal Section 4 of Act No. 47 of the 2002 First Extraordinary Session of the Legislature, relative to the Capitol House Taxing District; to remove the provision making the law providing for the district effective upon the transfer of property of the district to the East Baton Rouge City-Parish; and to provide for related matters.

HOUSE BILL NO. 951—

BY REPRESENTATIVE WINSTON AND SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 46:449(A)(1), relative to the family responsibility program; to designate the Department of Health and Hospitals to administer the program; and to provide for related matters.

HOUSE BILL NO. 1039—

BY REPRESENTATIVE WINSTON AND SENATORS ELLINGTON AND HOLLIS

AN ACT

To repeal R.S. 22:1534 as enacted by Act No. 320 of the 1970 Regular Session of the Legislature and R.S. 22:1534 as enacted by Act No. 738 of the 1970 Regular Session of the Legislature, relative to group insurance; to repeal the prohibitions against group insurance for property and casualty insurance.

HOUSE BILL NO. 1197—

BY REPRESENTATIVE L. JACKSON

AN ACT

To amend and reenact R.S. 25:379.1(C)(2)(a), relative to the Louisiana State Exhibit Museum; to change the membership of the governing board of the museum; and to provide for related matters.

HOUSE BILL NO. 1283—

BY REPRESENTATIVE LANCASTER AND SENATORS JOHNSON AND ULLO

AN ACT

To enact R.S. 18:425(B)(4), to allow students age seventeen who are seniors in high school to serve as commissioners on election day; and to provide for related matters.

HOUSE BILL NO. 1358—

BY REPRESENTATIVES BRUNEAU AND LANCASTER (BY FEDERAL MANDATE)

AN ACT

To amend and reenact R.S. 18:24 and 574(A)(2) and to enact Subparts F and G of Part V of Chapter 5 of Title 18 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 18:566 through 567.6, relative to provisional voting and Title III complaint procedures as mandated by the Help America Vote Act of 2002; to provide for the powers and duties of the state board of election supervisors to extend to Title III complaint procedures; to provide for the compilation and promulgation of election results to include any counted provisional votes; to provide for provisional voting on election day and in person absentee; to provide for provisional voting in the event that the poll hours of an election for federal office are extended; to provide for the registrar of voters to record who uses a provisional ballot; to provide for agencies to provide and compile information as necessary to determine whether a provisional ballot shall be counted; to provide for the tabulation of provisional votes; to provide for the voter to determine whether his provisional vote was counted; to provide for a complaint procedure for alleged violations of Title III of the Help America Vote Act; to provide for a procedure for filing a complaint; to provide for procedures for processing the complaint; to provide for the board to conduct a hearing and provide a final decision and the reasons therefor; to provide for remedies; to provide for the Division of Administrative Law to assign the complaint to an administrative law judge if the complaint is not heard or decided timely by the board of election supervisors; to provide for the computation of time intervals; to provide for the complaint procedure to be exempt from the administrative hearing process of Chapter 13-B of Title 49; to provide for judicial review of a final decision of the board or resolution of the administrative law judge; and to provide for related matters.

HOUSE BILL NO. 1438—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:245(A) and 246(1), (2), and (9), relative to a pilot health insurance program; to provide for small employers; to provide for eligibility; to provide for health insurance issuers; and to provide for related matters.

HOUSE BILL NO. 1508—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:1401(E) and (F), 1404(5), 1405(C), 1406(A), (B), and (D)(1)(a)(ii) and (c)(i)(introductory paragraph), 1407(A)(1) and (2)(introductory paragraph), (B), (C), (D), (E), (G), (H), and (K), 1408, 1409(A), (B), (D), and (G)(2), 1410, 1411, 1413(B), (C), and (D), 1414(B), 1415, 1416, 1418, 1419(A)(1) and (B), and 1422 and to repeal R.S. 22:1401(G) and (H), 1406(C) and (D)(7), 1407(J) and (L), 1417.1, and 1420, relative to the functions, duties, and activities of the Louisiana Insurance Rating Commission; to provide for the office of property and casualty; to provide for procedures; to provide for expenses; and to provide for related matters.

HOUSE BILL NO. 1605—

BY REPRESENTATIVES ILES, DOERGE, HILL, PITRE, JOHN SMITH, AND SENATOR ADLEY

AN ACT

To enact R.S. 40:1300.143(3)(a)(viii), (ix), and (x), relative to the Rural Hospital Preservation Act; to add certain hospitals to the definition of a rural hospital; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1629—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 40:1625(C)(2)(b) and (9)(introductory paragraph) and 1628(A)(3)(b) and (B)(3), relative to fire protection engineers and mechanical engineers; to provide for licensing as fire protection sprinkler systems contractors; to eliminate errors and omissions insurance requirement; and to provide for related matters.

HOUSE BILL NO. 1630—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 40:1563(B)(introductory paragraph) and (4) and (C), relative to the state fire marshal; to provide for additional requirements for the creation and operation of fire prevention bureaus; to provide for jurisdictional rules for inspections; and to provide for related matters.

HOUSE BILL NO. 1768—

BY REPRESENTATIVE MURRAY

AN ACT

To enact R.S. 49:150.2, relative to the state capitol complex; to permit use of certain unlicensed state vehicles within the state capitol complex; to provide for conditions for use of such vehicles; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1770—

BY REPRESENTATIVE JACK SMITH

AN ACT

To amend and reenact R.S. 23:921(B) and to enact R.S. 23:921(H), relative to employment contracts; to provide that interested parties may agree to refrain from engaging in similar businesses under certain circumstances; to provide that employees may not engage in similar businesses under certain circumstances; and to provide for related matters.

HOUSE BILL NO. 1836—

BY REPRESENTATIVES BAYLOR, ALEXANDER, CROWE, CURTIS, HONEY, HUDSON, KENNEY, NEVERS, PEYCHAUD, POWELL, JANE SMITH, SWILLING, DEWITT, ALARIO, ARNOLD, BALDONE, BAUDOIN, BOWLER, BROOME, K. CARTER, R. CARTER, CAZAYOUX, CRANE, DAMICO, DANIEL, DEVILLIER, DIEZ, DOERGE, DOWNS, DURAND, FANNIN, FARRAR, FAUCHEUX, FRUGE, FUTRELL, GALLOT, GREEN, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HOPKINS, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, LUCAS, MARTINY, MCDONALD, MONTGOMERY, MORRELL, MURRAY, ODINET, PERKINS, PIERRE, PINAC, PITRE, QUEZAIRE, RICHMOND, ROMERO, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, SNEED, STRAIN, THOMPSON, TOWNSEND, WALKER,

WELCH, WOOTON, AND WRIGHT AND SENATORS BARHAM, HOLDEN, C. JONES, AND ULLO

AN ACT

To enact R.S. 17:1603, relative to state buildings; to provide that the band hall located on Elton C. Harrison Drive at Southern University at Baton Rouge be renamed the Isaac Greggs Band Hall; to provide that the building in Shreveport known as the Multicultural Center of the South be renamed the Mrs. Balistine Williams Tarver Hopkins Building; and to provide for related matters.

HOUSE BILL NO. 1904 (Duplicate Bill of Senate Bill No. 377)—

BY REPRESENTATIVE DURAND AND SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 40:2017.11, relative to fees for review of plans by the Department of Health and Hospitals; to increase fees for the review of construction plans for hospitals, ambulatory surgical centers, nursing homes, and group or community homes or other residential living options by the Department of Health and Hospitals; and to provide for related matters.

Respectfully submitted,

DONALD RAY KENNARD
Chairman

The above House Bills contained in the report were signed by the Speaker of the House and taken to the Senate by the Clerk and were signed by the President of the Senate and taken by the Clerk of the House to the Governor for executive approval.

Suspension of the Rules

On motion of Rep. Pinac, the rules were suspended to permit the Committee on Commerce to meet upon adjournment on Wednesday, June 11, 2003, without giving the notice required by House Rule 14.24(A) and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Concurrent Resolution No. 236

Senate Bill Nos. 90, 400, 421, 437, 843, 909, and 1012

Senate Concurrent Resolution Nos. 100 and 104

Suspension of the Rules

On motion of Rep. Crane, the rules were suspended to permit the Committee on Education to meet on Thursday, June 12, 2003, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill No. 1657

House Concurrent Resolution No. 235

Suspension of the Rules

On motion of Rep. Durand, the rules were suspended to permit the Committee on Health and Welfare to meet on Thursday, June 12, 2003, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Concurrent Resolution No. 227

Senate Bill No. 358

Senate Concurrent Resolution No. 129

Suspension of the Rules

On motion of Rep. Broome, the rules were suspended to permit the Committee on Municipal, Parochial and Cultural Affairs to meet on Thursday, June 12, 2003, and consider the following legislative instruments that were not listed on the weekly committee schedule as required by House Rule 14.23:

House Bill No. 1674

Senate Bill Nos. 262, 736, 836, 1008, and 1101

Leave of Absence

Rep. Doerge - 1 day

Adjournment

On motion of Rep. Kenney, at 5:55 P.M., the House agreed to adjourn until Thursday, June 12, 2003, at 1:30 P.M.

The Speaker of the House declared the House adjourned until 1:30 P.M., Thursday, June 12, 2003.

ALFRED W. SPEER
Clerk of the House

